

ORDINANCE NO. 90- 8

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AMENDING THE SUBDIVISION AND PLATTING REGULATIONS OF PALM BEACH COUNTY, FLORIDA AS FOLLOWS: CREATING A NEW OUTLINE FOR THE PROVISIONS OF THE ORDINANCE; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE I, TITLE, AUTHORITY AND INTENT; TRANSFERRING, RENUMBERING, AND AMENDING ARTICLE II, SHORT TITLE; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE III, JURISDICTION; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE IV, PURPOSE; CREATING SECTION 1005, INTERPRETATION; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE V, DEFINITIONS; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE VI, APPLICATION OF ORDINANCE; DELETING ARTICLE VI, PART A, SPECIAL EXCEPTION SUBDIVISIONS; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE VII, ADMINISTRATION OF ORDINANCE; DELETING ARTICLE VIII, STANDARD PROCEDURES; DELETING ARTICLE IX, REQUIRED IMPROVEMENTS; DELETING ARTICLE X, DESIGN REQUIREMENTS; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE XI, CONSTRUCTION OF REQUIRED IMPROVEMENTS; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE XII, ACCEPTANCE OF REQUIRED IMPROVEMENTS; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE XIII, PLANNED UNIT DEVELOPMENTS; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE XIV, RURAL SUBDIVISIONS; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE XV, DREDGE, FILL AND EXCAVATION; TRANSFERRING, RENUMBERING, AND AMENDING ARTICLE XVI, PREVIOUSLY PLATTED SUBDIVISIONS; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE XVII, VARIANCES AND EXCEPTIONS; TRANSFERRING, RENUMBERING AND AMENDING ARTICLE XVIII, PENALTIES AND PROHIBITIONS; DELETING APPENDICES 1, 12, AND 15A; TRANSFERRING, RENUMBERING AND AMENDING APPENDICES 2 THROUGH AND INCLUDING 11, APPENDICES 13 AND 14 AND APPENDICES 15B AND 16; CREATING ARTICLE 1003, APPLICATION OF ORDINANCE; CREATING ARTICLE 1007, PHASED DEVELOPMENTS; CREATING ARTICLE 1008, EXCEPTIONS TO GENERAL REQUIREMENTS; CREATING ARTICLE 1010, PRELIMINARY SUBDIVISION PLAN PROCEDURE; CREATING ARTICLE 1011, FINAL SUBDIVISION PLAN PROCEDURE; CREATING ARTICLE 1012, DEVELOPMENT PROCEDURE; CREATING ARTICLE 1013, TECHNICAL COMPLIANCE APPLICATION AND REVIEW; CREATING ARTICLE 1014, LAND DEVELOPMENT PERMIT APPLICATION AND REVIEW; CREATING ARTICLE 1015, CONSTRUCTION PLANS; CREATING ARTICLE 1016, CONSTRUCTION OF REQUIRED IMPROVEMENTS; CREATING ARTICLE 1017, SUPPLEMENTAL PROCEDURES; CREATING ARTICLE 2000, REQUIREMENTS FOR CERTIFIED SURVEY; CREATING ARTICLE 2001, REQUIREMENTS FOR THE PRELIMINARY AND FINAL PLAT; CREATING ARTICLE 2002, REQUIRED IMPROVEMENTS; CREATING ARTICLE 2003, ACCESS AND CIRCULATION SYSTEMS; CREATING ARTICLE 2004, CLEARING, EARTHWORK, AND GRADING; CREATING ARTICLE 2005, STORMWATER MANAGEMENT SYSTEM;

1 CREATING ARTICLE 2006, PARKS AND RECREATIONAL AREAS; CREATING
2 ARTICLE 2007, WASTEWATER SYSTEMS; CREATING ARTICLE 2008,
3 POTABLE WATER SYSTEMS; CREATING ARTICLE 2009, UTILITIES;
4 CREATING ARTICLE 2010, FIRES RESCUE SERVICES; CREATING ARTICLE
5 2011, SUBDIVISION DESIGN AND SURVEY REQUIREMENTS.
6
7

8 WHEREAS, Palm Beach County, pursuant to Sec. 163.3161 et.
9 seq., Fla. Stat., the Florida Local Government Comprehensive
10 Planning and Land Development Regulation Act (hereinafter "the
11 Act"), is required to prepare and adopt a Comprehensive Plan; and
12

13 WHEREAS, after adoption of the Comprehensive Plan, the Act
14 mandates that Palm Beach County adopt land development regulations
15 to implement the Comprehensive Plan within one (1) year of Plan
16 Submission; and
17

18 WHEREAS, on August 31, 1989, Palm Beach County adopted the
19 Palm Beach County Comprehensive Plan pursuant to the requirements
20 of Sec. 163.3161. et. seq., Fla. Stat; and
21

22 WHEREAS, it is the intent of the Board of County Commissioners
23 of Palm Beach County to implement the Palm Beach County
24 Comprehensive Plan with these amendments to the Subdivision
25 Regulations.
26
27

28 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
29 COMMISSIONER OF PALM BEACH COUNTY, THAT:

PART I: The Subdivision and Platting Regulations of Palm Beach County, Florida, Ordinance 73-4, as amended, also known as Appendix E of the Code of Laws and Ordinances of Palm Beach County, Florida (hereinafter referred to as "the Subdivision Regulations" is hereby amended by creating the following outline structure:

Chapter 1: General Provisions and Procedures
Articles 1000 through 1017
Chapter 2: Required Improvements
Articles 2000 through 2011
Chapter 3: Variances, Penalties, and Legal Status
Articles 3000 and 3001
Chapter 4: Standard Forms
Article 4000.

PART II: Article VI, Application of Ordinance, Article VI, Part A, Special Exception Subdivisions, Article VIII, Standard Procedures, Article IX, Required Improvements and, Article X, Design Requirements, all of the Subdivision Regulations are hereby deleted in their entirety.

PART III: Articles I, Title, Authority and Intent, Article II, Purpose, Article III, Short Title; and Article V, Jurisdiction, all of the Subdivision Regulations are hereby transferred to Article 1000, renumbered and amended to read as follows:

~~ARTICLE I-~~

1000 ~~TITLE, AUTHORITY AND INTENT~~ ENABLING AND OTHER GENERAL PROVISIONS.

1000.1 TITLE.

AN ORDINANCE PRESCRIBING PROCEDURES AND STANDARDS FOR THE DEVELOPMENT AND SUBDIVISION OF REAL ESTATE AND FOR THE SURVEYING AND PLATTING THEREOF; INSTALLATION OF REQUIRED IMPROVEMENTS; PROVIDING FOR TITLE, AUTHORITY AND INTENT ENABLING AND OTHER GENERAL PROVISIONS; PROVIDING FOR SHORT TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS TERMINOLOGY; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR APPLICATION OF ORDINANCE; PROVIDING FOR PREVIOUSLY PLATTED SUBDIVISIONS; PROVIDING FOR PLANNED DEVELOPMENTS; PROVIDING FOR ALTERNATE DESIGNS FOR RURAL SUBDIVISIONS; PROVIDING FOR PHASED DEVELOPMENTS; PROVIDING FOR EXCEPTIONS TO GENERAL REQUIREMENTS; PROVIDING FOR ADMINISTRATION OF ORDINANCE; PROVIDING FOR STANDARD PROCEDURES; PROVIDING FOR PRELIMINARY SUBDIVISION PLAN PROCEDURE; PROVIDING FOR FINAL SUBDIVISION PLAN PROCEDURES; PROVIDING FOR DEVELOPMENT PROCEDURE; PROVIDING FOR TECHNICAL

1 COMPLIANCE AND REVIEW; PROVIDING FOR LAND DEVELOPMENT PERMIT
2 APPLICATION AND REVIEW; PROVIDING FOR CONSTRUCTION PLANS AND
3 SUPPLEMENTAL ENGINEERING INFORMATION; PROVIDING FOR
4 CONSTRUCTION OF REQUIRED IMPROVEMENTS; PROVIDING FOR
5 SUPPLEMENTAL PROCEDURES; PROVIDING FOR REQUIREMENTS FOR THE
6 CERTIFIED SURVEY; PROVIDING FOR REQUIREMENTS FOR THE
7 PRELIMINARY AND FINAL PLAT; PROVIDING FOR REQUIRED
8 IMPROVEMENTS; PROVIDING FOR ACCESS AND CIRCULATION SYSTEM;
9 PROVIDING FOR CLEARING, EARTHWORK, AND GRADING; PROVIDING FOR
10 STORMWATER MANAGEMENT SYSTEM; PROVIDING FOR PARKS AND
11 RECREATIONAL AREAS; PROVIDING FOR WASTEWATER SYSTEM; PROVIDING
12 FOR POTABLE WATER SYSTEMS; PROVIDING FOR UTILITIES; PROVIDING
13 FOR FIRE RESCUE SERVICES; PROVIDING FOR SUBDIVISION DESIGN AND
14 SURVEY REQUIREMENTS; PROVIDING FOR DESIGN REQUIREMENTS;
15 PROVIDING FOR CONSTRUCTION OF REQUIRED IMPROVEMENTS; PROVIDING
16 FOR ACCEPTANCE AND MAINTENANCE OF REQUIRED IMPROVEMENTS;
17 PROVIDING FOR PLANNED UNIT DEVELOPMENT; PROVIDING FOR RURAL
18 SUBDIVISIONS; PROVIDING FOR DREDGE, FILL AND EXCAVATION;
19 PROVIDING FOR PREVIOUSLY PLATTED SUBDIVISIONS; PROVIDING FOR
20 VARIANCES AND EXCEPTIONS; PROVIDING FOR PENALTIES AND
21 PROHIBITIONS; PROVIDING FOR LEGAL STATUS; PROVIDING FOR
22 STANDARD FORMS.

23
24 1000.2 AUTHORITY.

25
26 1000.2.1 WHEREAS, Article VIII of the 1968 Constitution
27 of the State of Florida vested county
28 governments with powers of self-government as
29 provided by general and special law, and

30
31 1000.2.2 The Growth Management Act of 1985, as amended,
32 requires local governments to adopt
33 comprehensive plans and Palm Beach County has
34 adopted the 1989 Palm Beach County
35 Comprehensive Plan ("Comprehensive Plan")
36 pursuant to this statutory provisions and other
37 authority.

38
39 1000.2.3 The statutory provisions and the Comprehensive
40 Plan require that land development regulations
41 be adopted to implement the Comprehensive Plan
42 and that no development of land shall take
43 place which is inconsistent with the
44 Comprehensive Plan.

45
46 1000.2.4 WHEREAS, Section 125.01, Florida Statutes, as
47 amended by Chapter 71-14, Laws of Florida 1971,
48 vested counties with the power to establish,
49 coordinate and enforce business regulations,
50 building, housing, and related technical codes
51 and regulations as are necessary for the
52 protection of the public and to perform other
53 acts not inconsistent with laws which are in
54 the common interest of the people of the county

and to exercise all powers and privileges not specifically prohibited by law. ~~and~~

1000.2.5 WHEREAS, Sections 125.01, 336.02 and 336.08, Florida Statutes, provide that counties have the power and authority to establish new roads and locate and change the same; and

1000.2.6 WHEREAS, Chapter 163 and Special Acts, Chapter 69-1425, Laws of Florida, authorize the Board of County Commissioners to adopt, prescribe and promulgate rules and regulations governing the filing of plats and development of subdivisions, in order to aid in the coordination of land development, ~~in counties and incorporated municipalities in accordance with orderly physical patterns; to discourage haphazard, premature, uneconomic, or scattered land development; to insure safe and convenient traffic control; to encourage development of economically stable and healthful communities; to insure adequate periodic and seasonal flooding by providing protective flood control and drainage facilities; to provide public open spaces for recreation; to insure land development with installation of adequate and necessary physical improvements; to insure that the citizens and taxpayers of Palm Beach County will not have to bear the costs resulting from haphazard development of land and the lack of authority to require installation.~~

1000.2.7 It is in the public interest to insure that adequate and necessary physical improvements are properly installed whenever land is developed.

1000.2.8 It is in the public interest to establish procedures and minimum standards for the subdivision, development and improvement of land within Palm Beach County.

~~ARTICLE II:~~

1000.3

SHORT TITLE. This ordinance shall be known as the "Subdivision and Platting Required Improvements Regulations of Palm Beach County, Florida".

~~ARTICLE III:~~

1000.4

JURISDICTION. The regulations set forth herein shall be applicable to ~~all~~ subdivisions of land and to the installation of improvements in the unincorporated areas of Palm Beach County, Florida, as or hereafter established.

1 ~~ARTICLE IV:~~
2 1000.5

PURPOSE AND INTENT. ~~The purpose of t~~This ordinance
3 is adopted to:

- 4
5 (a) establish procedures and standards for the
6 ~~development and~~ subdivision of real estate
7 within Palm Beach County, Florida; ~~in an~~
8 effort
9
10 (b) establish procedures and standards for the
11 development of real estate within Palm Beach
12 County, Florida;
13
14 (c) ~~to, among other things, insure~~ proper legal
15 description, identification, monumentation and
16 recording of ~~real estate boundaries~~
17 subdivisions;
18
19 (d) aid in the coordination of land development in
20 Palm Beach County, Florida, in accordance with
21 orderly physical patterns;
22
23 (e) ~~discourage haphazard, premature, uneconomic or~~
24 ~~scattered land development;~~ implement the 1989
25 Comprehensive Plan ("Comprehensive Plan") with
26 respect to installation of on-site improve-
27 ments for the development, which improvements
28 are necessary to the development to meet or
29 support the level of services required under
30 the Concurrence Management System of the
31 Comprehensive Plan;
32
33 (f) ~~insure~~ safe and convenient access and traffic
34 control circulation;
35
36 (g) ~~encourage development of an economically stable~~
37 ~~and healthful community;~~ insure adequate
38 utilities;
39
40 (h) ~~prevent periodic and seasonal flooding by~~
41 ~~providing protective flood control and drainage~~
42 ~~facilities;~~ regulate development of areas
43 subject to seasonal and periodic flooding and
44 provide for adequate stormwater management to
45 minimize adverse impacts of development on
46 water resources while ensuring acceptable
47 levels of protection from inundation for
48 residents and improvements;
49
50 (i) provide public and private open spaces parks
51 for and recreation areas in accordance with
52 the objectives of the Recreation Open Space
53 Element of the Comprehensive Plan;
54

- 1 (j) ~~to~~ ensure land subdivision with installation of
2 adequate and necessary physical improvements;
3
4 (k) ~~to~~ ensure that the citizens and taxpayers of Palm
5 Beach County will not have to bear the costs
6 resulting from haphazard subdivision of land
7 and the lack of authority to require
8 installation by the developer of adequate and
9 necessary physical improvements;
10
11 (l) ~~to~~ ensure to the purchaser of land in a
12 subdivision that necessary improvements of
13 lasting quality have been installed.
14

15 1000.6 INTERPRETATION.
16

17 1000.6.1 MINIMUM REQUIREMENTS. In their interpretation
18 and application, the requirements of this
19 ordinance shall be the minimum requirements
20 for the promotion of the public health, safety
21 and general welfare.
22

23 1000.6.2 RELATIONSHIP TO OTHER AGENCY REQUIREMENTS.
24 The requirements of this ordinance are intended
25 to complement and expand upon rules,
26 regulations, and permit requirements of other
27 state, regional, and local agencies applicable
28 to the design, construction, and/or operation
29 of facilities for access and circulation of
30 vehicles and pedestrians, construction of
31 streets and related facilities, power and
32 communication services, wastewater and water
33 services, and stormwater management and flood
34 protection in Palm Beach County. Compliance
35 with the requirements of this Ordinance shall
36 not relieve the developer, his successors or
37 assigns from the necessity to comply with all
38 requirements and obtain all permits required
39 by the regulations of such other agencies.
40 These requirements shall include, but not be
41 limited to, the following, as they may be
42 amended from time to time:
43

44 (a) Florida Department of Environmental
45 Regulation (DER) requirements for dredge
46 and fill up to the landward extent of
47 waters of the State pursuant to Chapter
48 17-4, F.A.C.;
49

50 (b) South Florida Water Management District
51 Surface Water Management rules pursuant
52 to Chapters 40E-4, 40E-40, and 40E-41,
53 F.A.C.;
54

- 1 (c) Palm Beach County Flood Damage Prevention
2 Ordinance, as amended by Ordinance 88-3;
3
4 (d) Palm Beach County Mining Ordinance;
5
6 (e) Requirements of the applicable Water
7 Control District governing connection to
8 and use of district facilities.
9
10 (f) Palm Beach County Wetlands Protection
11 Ordinance;
12
13 (g) Palm Beach County Environmentally
14 Sensitive Lands Ordinance, Ordinance No.
15 89-23;
16
17 (h) Palm Beach County Endangered Species
18 Ordinance;
19
20 (i) Palm Beach County Wellfield Protection
21 Ordinance, No. 88-7; and
22
23 (j) the State Standards, as defined herein.
24

25 1000.6.3 AUTHORITY OF THE COUNTY ENGINEER. In the event
26 of conflict between a specific requirement of
27 this ordinance and that of another agency's
28 rule, compliance with this ordinance shall be
29 interpreted by the County Engineer to avoid the
30 conflict where such avoidance is not
31 inconsistent with the general purposes and
32 intent of this ordinance and is affirmatively
33 demonstrated as necessary to meet the purposes
34 and intent of the conflicting rule. However,
35 if the difference between said requirements is
36 solely a matter of degree, the more restrictive
37 requirement shall prevail and no conflict will
38 be considered to exist.
39

PART IV: Article V, Definitions, of the Subdivision Regulations, is hereby transferred to Article 1001, renumbered and amended to read as follows:

ARTICLE V. DEFINITIONS
1001. TERMINOLOGY

1001.1 General Application of Terms. ~~The following definitions are for the purpose of making clear and distinct the intentions of the language used in this ordinance, except where specific definitions are used within a specific article or section of this ordinance. For the purpose of such sections, the following terms, phrases, words and their derivations shall have the meaning given herein when not inconsistent with the text. For the purposes of this ordinance, the following terms shall have the meanings set forth below, unless the context clearly indicates otherwise. All references to definitions in the Zoning Code are to Section 200.2 of the Zoning Code unless otherwise stated. When a definition in the Comprehensive Plan or Zoning Code is in conflict with or is dissimilar to a definition given below, the definition herein shall control when applying the provisions of this ordinance. Words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are is mandatory and the words "may" and "should" are is permissive.~~

1001.2 Definitions.

ABUTTING PROPERTY: ~~"Abutting property" is property that is immediately adjacent or contiguous to property that is subject to review under this ordinance or property that is located immediately across any road or public RIGHT OF WAY from the property subject to review under this ordinance. SEE "Contiguous" in Zoning Code.~~

ACCESS: ~~"Access" is the principal means of ingress and egress to a LOT from a publicly dedicated RIGHT OF WAY. SEE "Access" in Zoning Code.~~

ACCESS TRACT: a PARKING LOT.

ADT: SEE "AVERAGE DAILY TRIPS".

ACCESS WATERWAYS: ~~An "ACCESS WATERWAY" is a waterway which is developed or constructed in conjunction with the division of real estate for the purpose of providing access by water to lots within a subdivision.~~

AFFIDAVIT OF WAIVER EXEMPTION: a document evidencing the grant of an exemption for a special exception subdivision by the subdivision committee exception to the platting requirement or the improvement installation requirement in accordance with the provisions and regulations of Article 1008 this Ordinance.

1 AFFIDAVIT OF EXEMPTION: the document recorded in the public
2 records and evidencing the grant of an exception to provisions
3 formerly contained in this Ordinance.

4
5 ALLEY: An "alley" is a right of way which affords only a secon-
6 dary means of ACCESS to property abutting thereon and is not
7 intended or used for general traffic circulation. SEE "Alley" in
8 Zoning Code.

9
10 ANTIQUATED SUBDIVISION: SEE "Antiquated Subdivision" in
11 Comprehensive Plan.

12
13 APPLICANT: "Applicant" is the developer or his duly authorized
14 representative who submits to the county engineer's office a plat
15 and related plans for the purpose of obtaining approval thereof.

16
17 STREET, MAJOR ARTERIAL STREET: A "MAJOR ARTERIAL STREET" is a
18 MAJOR STREET of higher classification than LOCAL PLAN COLLECTOR
19 STREETS, and is used primarily for traffic traveling considerable
20 distance within or through an area not served by an EXPRESSWAY.
21 A major arterial is of considerable continuity, and is used
22 primarily as a main traffic artery. An MAJOR ARTERIAL may also be
23 a LIMITED ACCESS STREET.

24
25 AVERAGE DAILY TRIPS: SEE "Average Daily Trips" in Comprehensive
26 Plan. Also referred to as "ADT".

27
28 BLOCK: A "block" is a parcel of land entirely surrounded by
29 STREETS, streams, railroad RIGHTS OF WAY, parks or other public
30 space or a combination thereof. SEE "Block" in Zoning Code.

31
32 BOARD: The term "board" or "county" as used herein refers to and
33 shall the Board of County Commissioners of Palm Beach County. The
34 term shall include the term "County".

35
36 BUILDING: The term "building" shall mean any structure con-
37 structed or built for the support, enclosure, shelter or protec-
38 tion of chattels, person, animals or the like. The word "build-
39 ing" includes the word structure and shall include anything con-
40 structed or erected which requires permanent location on the ground
41 or is attached to anything having a permanent location on the
42 ground and shall include, but not be limited to, such structures
43 as homes, hotels, motels, apartments, stores, service stations,
44 radio towers, billboards, cooling towers, tanks, smokestacks, grain
45 elevators, windmills, silos and the like. Such terms shall be
46 construed as if followed by the phrase "or part thereof". SEE
47 "Building" in Zoning Code.

48
49 CATCHMENT: a sub-area of a drainage basin which contributes
50 stormwater runoff by overland flow to a common collection point.

51
52 CLUSTERED LOT: a special type of LOT meeting special regulations
53 in the Zoning Code and which is designated on the construction
54 plans, as required by Article 1015 in this ordinance.

1
2 COMPREHENSIVE PLAN: ~~"Comprehensive Plan" shall mean the general~~
3 ~~development plan or land use as adopted by the Board of County~~
4 ~~Commissioners for Palm Beach County. SEE "Comprehensive Land Use~~
5 ~~Plan" in the Zoning Code.~~

6
7 CONTROL DEVICE: the element(s) of a discharge structure which
8 allows release of water under controlled conditions.

9
10 CONTROL ELEVATION: the lowest elevation at which water can be
11 released through a control device.

12
13 ~~COUNTY: The term "county" shall carry the same meaning as the term~~
14 ~~"Board", as defined in this article.~~

15
16 ~~COUNTY COMMISSION: The term "county commission" shall mean the~~
17 ~~"Board" of County Commissioners of Palm Beach County as defined in~~
18 ~~this article.~~

19
20 ~~COUNTY ENGINEER: The term "county engineer" shall refer to the~~
21 ~~County Engineer of Palm Beach County or his duly authorized~~
22 ~~representative.~~

23
24 COUNTY-REQUIRED SUBDIVISION: A subdivision into no more than two
25 (2) resulting lots which is necessitated by conveyance(s) to the
26 County for any of the following purposes: (1) to comply with a
27 condition of County Zoning approval; or (2) to fulfill the terms
28 of a developer's agreement with the County; or (3) to comply with
29 an order of the Court in the case of eminent domain.

30
31 ~~COUNTY STANDARDS: The term "county standards" shall mean the~~
32 ~~minimum specifications, design standards and construction details~~
33 ~~as compiled by the Office of the COUNTY ENGINEER and adopted by~~
34 ~~the BOARD of County Commissioners as the "Palm Beach County~~
35 ~~Construction Standards and Details". SEE "County Standards" in~~
36 ~~Zoning Code.~~

37
38 ~~CUL-DE-SAC; OR DEAD-END STREET: The term "cul-de-sac" or "dead-end~~
39 ~~street" is a MINOR STREET with only one outlet terminating at one~~
40 ~~end with a circular turn-around. a DEAD-END STREET terminated at~~
41 ~~the closed end by a circular vehicular turn-around.~~

42
43 ~~CURRENT: The term "current" as used herein pertains to the~~
44 ~~specifications, design standards and construction details in~~
45 ~~effect or as may be changed from time to time or amended from time~~
46 ~~to time. The term "current" shall be applied at the time a plat~~
47 ~~or development plan is presented for acceptance or approval.~~

48
49 DAYS: work days of County employees as established by the Board.

50
51 DEAD-END STREET: A STREET with only one outlet.
52
53

1 DEPARTMENT OF TRANSPORTATION: The term "Department of
2 Transportation" shall include the term "STATE STANDARDS" and as
3 used herein shall refer to the Florida State DEPARTMENT OF
4 TRANSPORTATION Standard Specifications for Road and Bridge
5 Construction as currently adopted and in use. See "DEPARTMENT OF
6 TRANSPORTATION" in the Zoning Code.

7
8 DETENTION: the collection and temporary storage of stormwater
9 runoff for the purpose of treatment and/or discharge rate control
10 with subsequent gradual release directly to surface waters.

11
12 DEVELOPER: a "developer" is any individual, firm, association,
13 syndicate, co-partnerships, corporation, trust or any other legal
14 entity who, as owner of the land, commencing proceedings under
15 this ordinance to effect the subdivision or development of land in
16 Palm Beach County. Inasmuch as the subdivision plat is merely a
17 necessary means to the end of assuring a satisfactory development
18 under the terms of this ordinance, the term "developer" is in-
19 tended to The term shall include the term "subdivider", even though
20 the persons involved in successive stages of the project may vary.

21
22 DEVELOPER'S ENGINEER: The term "developer's engineer" means a
23 single engineering firm or a professional engineer registered in
24 Florida, and engaged by the developer to coordinate the design and
25 monitor plan and supervise the construction of the work required
26 under this ordinance, to effect the subdivision of land in Palm
27 Beach County.

28
29 DEVELOPMENT OF REGIONAL IMPACT: a "development of regional impact"
30 is any specific type of development, which, because of its
31 character, magnitude, or location would have a substantial effect
32 upon the health, safety, or welfare of citizens of more than one
33 county as further defined in Florida Statutes, Section 380.06.

34
35 DISCHARGE STRUCTURE: a structural device, constructed or
36 fabricated from durable material(s) such as concrete, metal, or
37 decay-resistant timber, through which water is released to surface
38 water from detention.

39
40 DRAINAGE BASIN: a sub-area of a watershed which contributes
41 stormwater runoff to a watercourse tributary to the main receiving
42 water.

43
44 DRY DETENTION/RETENTION: detention or retention in a storage
45 facility which is designed, constructed, and operated to limit the
46 duration of ponding within the facility so as to maintain a
47 normally dry bottom between rainfall events.

48
49 DWELLING UNIT: SEE "Dwelling Unit" in Comprehensive Plan.

50
51 EASEMENT OR SERVITUDE: An "easement" or "servitude" is an interest
52 in land granted for limited use purpose, but which does not convey
53 title to real property. SEE "Easement" in Zoning Code.
54

1 EXPRESSWAY: SEE "Expressway" in Zoning Code.

2
3 FINAL SITE DEVELOPMENT PLAN: SEE "Final Site Development Plan" in
4 Zoning Code.

5
6 FLOOD OR FLOODING: A general and temporary condition of inundation
7 of normally dry land areas resulting from: the overflow of tidal
8 or non-tidal watercourses or water bodies; or (2) the unusual and
9 rapid accumulation of surface waters from any source.

10
11 FLOOD CONTROL OR LEGAL POSITIVE DRAINAGE: "Flood control" or
12 "legal positive drainage" shall mean the provision of a storm
13 drainage system meeting the requirements of this ordinance,
14 sufficient to prevent inundation resulting from a three (3) year
15 storm and which conveys storm waters to publicly dedicated and
16 maintained drainage canal or natural watercourse. The connection
17 of the storm drainage system to the publicly dedicated and
18 maintained drainage canal or natural watercourse shall mean a
19 system approved by the agency having jurisdiction over same, or an
20 alternate proposal for a storm drainage system approved by the
21 county engineer.

22
23 FLOODPLAIN: the land area adjacent to the normal limits of a
24 watercourse or water body which is inundated during a flood event
25 of specified magnitude or return period.

26
27 FLOOR: the bottom interior surface of an enclosed habitable space
28 in a building, including a basement but not including a garage used
29 solely for parking vehicles.

30
31 INUNDATION: "Inundation" shall mean the presence of water, in
32 motion or standing, of or ponded water of sufficient depth to
33 damage property due to the mere presence of water or the deposition
34 of silt or which may be a nuisance, hazard or health problem.

35
36 INVESTMENT PROPERTY: "Investment property" is for the purpose of
37 this ordinance, real estate, the deed for which, when offered for
38 sale, is retained by the seller, under contract with the buyer,
39 for the term of the contract.

40
41 LAKE MAINTENANCE EASEMENT: an expressed easement, created by plat
42 dedication or other instrument of record, establishing access and
43 use rights on the periphery of a water management tract for

1 purposes of construction, maintenance, and repair of wet
2 detention/retention facilities and appurtenant structures therein.

3
4 LAND DEVELOPMENT PERMIT: ~~that the development permit issued by the~~
5 ~~Board of County Commissioners authorizing construction of Required~~
6 ~~Improvements as described in Section IX, Article VII of this~~
7 ~~ordinance.~~

8
9 LEGAL ACCESS: the principal means of access from a lot to a
10 public street or to a private street over which a perpetual ingress
11 and egress easement or right of way has been granted to the owners
12 of any lot serviced by such street.

13
14 LEGAL POSITIVE OUTFALL: the permanently established connection of
15 a stormwater discharge conveyance facility serving a development
16 site to a watercourse or water body under the control and
17 jurisdiction of one or more public agencies, said connection being
18 subject to all applicable agency permitting and approval
19 requirements.

20
21 LIMITED ACCESS: "Limited Access" is a strip of land or highway or
22 freeway which does not permit ACCESS except at authorized and
23 controlled points. SEE "Limited Access" in Zoning Code.

24
25 STREET, LIMITED ACCESS STREET: The term "LIMITED ACCESS STREET"
26 shall carry the same meaning as the term "LIMITED ACCESS" as
27 defined in this article a STREET which does not permit ACCESS
28 except at points authorized and controlled by the Department of
29 Engineering and Public Works under a access control easement.

30
31 STREET, LOCAL STREET: A "local STREET" is a MINOR STREET designed
32 and maintained to provide ACCESS to ABUTTING PROPERTY. A LOCAL
33 STREET is of limited continuity and not for through traffic and is
34 the middle order street of MINOR STREETS, being of a higher clas-
35 sification than a RESIDENTIAL ACCESS STREET.

36
37 LOT: a parcel of land identified as a single unit for development
38 purposes and which is:

- 39
40 1. depicted on a plat duly recorded in the Public Records
41 of the Clerk of the Circuit Court of Palm Beach County,
42 whether such plat was recorded prior or subsequent to
43 February 5, 1973;
44
45 2. under single ownership pursuant to a deed or agreement
46 for deed duly recorded in the Public Records of Palm
47 Beach County prior to February 5, 1973 December 2, 1989,
48 regardless of size;
49
50 3. depicted on a survey, map or drawing of land for which
51 an Affidavit of Waiver Exemption has been granted and
52 duly recorded in the Public Records of Palm Beach County
53 pursuant to the requirements of this Ordinance;
54

1 ~~4. a lot which is the result of the division of an existing~~
2 ~~lot, as described in paragraphs 1, 2 or 3 above, into no~~
3 ~~more than two (2) lots where a new street is not~~
4 ~~established; for the purposes of the paragraph, the term~~
5 ~~street shall be deemed to mean the principal means of~~
6 ~~ingress and egress to the two (2) lots;~~
7

8 4. 5- a combination of lots, as defined in 1 through 4
9 above, which have been joined together under a unity of title
10 recorded in the Public Records of Palm Beach County so as to
11 combine same as one (1) lot.
12

13 As used herein, the term "lot" shall be synonymous with the
14 terms "plot", "parcel", or "tract," however designated on
15 any plat, map, survey, or drawing recorded in the Public
16 Records of Palm Beach County. ~~Additionally, any division of~~
17 ~~land which is not a lot pursuant to this Ordinance shall not~~
18 ~~be developable.~~
19

20 Any lot to be subdivided or created on or after February 5,
21 1973 December 2, 1989, shall consist of at least sufficient
22 size to meet the minimum requirements of the Comprehensive
23 Plan and Zoning Code of Palm Beach County as to use, coverage
24 and area.
25

26 When appropriate to the text, the term "Lot" shall mean a
27 proposed lot and refers to a parcel of land depicted on a SITE
28 DEVELOPMENT PLAN, FINAL SITE DEVELOPMENT PLAN, MASTER LAND USE
29 PLAN, SUBDIVISION PLAN, PRELIMINARY PLAT, FINAL PLAT or survey
30 as a distinct parcel to be held as one (1) unit of ownership.
31

32 MAJOR STREET: a STREET depicted on the adopted Thoroughfare Plan;
33 a Thoroughfare Plan Road. Major streets are further classified as
34 Collector Street, Arterial Street, and Expressway.
35

36 STREET, MARGINAL ACCESS STREET: A "marginal access street" is
37 a special purpose LOCAL STREET which is parallel and adjacent to
38 an PLAN COLLECTOR STREET, EXPRESSWAY, ARTERIAL STREET or other
39 LIMITED ACCESS STREET or in the immediate vicinity of such STREETS
40 and which has its principal purpose of relieving such STREETS from
41 local service of ABUTTING PROPERTY by providing ACCESS to ABUTTING
42 PROPERTY and separation from through traffic protection from
43 conflicts with through traffic. A marginal access street may also
44 be called a "Fffrontage STREET".
45
46
47

48 MASTER LAND USE PLAN: SEE "Master Land Use Plan" in Zoning Code.
49

50 MASTER PLAN: the former name of the type of Subdivision Plan
51 approved by the Subdivision Committee for subdivision developments
52 not zoned for a planned unit development.
53

1 ~~STREET, MINOR STREET: The term "minor STREET" shall carry the same~~
2 ~~meaning as the term "LOCAL STREET", as defined in this article.~~
3 ~~Any STREET not classified as a MAJOR STREET, and includes STREETS~~
4 ~~providing traffic circulation within the development.~~

5
6 ~~MOBILE HOME SUBDIVISION: The term "mobile home park" when used in~~
7 ~~this ordinance means a subdivision of land for the sale of lots~~
8 ~~intended for the placement of mobile homes and which meets the~~
9 ~~requirements of this ordinance and the Palm Beach County Zoning~~
10 ~~Code.~~

11
12 ~~NON-PLAN COLLECTOR STREET: the highest classification of a MINOR~~
13 ~~STREET, designed to carry traffic from LOCAL STREETS and~~
14 ~~RESIDENTIAL ACCESS STREETS to MAJOR STREETS.~~

15
16 ~~OFFICIAL MAP: the "Official Map" is the Thoroughfare Right of Way~~
17 ~~Protection map established and adopted by the Board as part of the~~
18 ~~Comprehensive Plan Thoroughfare Plan Ordinance showing the streets~~
19 ~~laid out and additions thereto resulting from the acceptance of~~
20 ~~deeded land, from the abandonment of plats, and the approval of~~
21 ~~subdivision plats by the board and subsequent filing of such plats.~~

22
23 ~~PARKING AREA: SEE "Parking Area" in Zoning Code.~~

24
25 ~~PARKING LOT: SEE "Parking Lot" in Zoning Code.~~

26
27 ~~PARKING TRACT: a PARKING LOT.~~

28
29 ~~PHASE: a distinct portion of a development designed and permitted~~
30 ~~for construction and platting as a unit.~~

31
32 ~~STREET, PLAN COLLECTOR STREET: A "collector STREET" is a MAJOR~~
33 ~~STREET which carries traffic from LOCAL MINOR STREETS to ARTERIAL~~
34 ~~STREETS and includes the principal entrance STREETS of a~~
35 ~~SUBDIVISION or a development and the STREETS for circulation within~~
36 ~~such subdivisions or developments, and is the lowest order STREET~~
37 ~~in the hierarchy of MAJOR STREETS, shall be considered a STREET of~~
38 ~~higher classification than a LOCAL MINOR STREET.~~

39
40 ~~PLAT: The word "plat" when used herein shall be deemed to mean a~~
41 ~~map depicting the division or subdivision of land into lots,~~
42 ~~blocks, parcels, tracts, or other portions thereof, however the~~
43 ~~same may be designated, prepared in accordance with the provisions~~
44 ~~of this ordinance and those of any applicable law and/or local~~
45 ~~ordinance, which may be designated to be placed of record in the~~
46 ~~Office of the Clerk of the Circuit Court of Palm Beach County.~~

47
48 ~~PLAT, FINAL: The "final plat" is a finished map of a subdivision~~
49 ~~accurately showing all legal requirements of the State Plat Law~~
50 ~~and the requirements of this ordinance.~~

51
52 ~~PLAT, PRELIMINARY: A "preliminary plat" is a copy of the plat in~~
53 ~~sufficient form to readily compare the plat with the master~~
54 ~~subdivision plan and construction plans.~~

1
2 PLAT OF RECORD: A ~~"plat of record"~~ is a plat which conforms to
3 the requirements of the applicable laws of the State of Florida and
4 ordinances of the county, which has been accepted by the Board and
5 placed in the official records of Palm Beach County.
6

7 POSITIVE DRAINAGE: the provision of a stormwater management system
8 which conveys stormwater runoff to a point of legal positive
9 outfall.
10

11 PRIMARY STORMWATER SYSTEM: classified surface waters of the State
12 which convey stormwater runoff toward the ocean or a major inland
13 water body.
14

15 PROPERTY OWNERS' ASSOCIATION: a ~~"property owners' association"~~ is
16 an ~~non-profit~~ organization recognized as ~~such~~ under the Laws of the
17 State of Florida, operated under recorded maintenance and ownership
18 agreements through which each owner of a portion of a subdivision,
19 be it a lot, home, property or any other interest, is automatically
20 a voting member, and each such member is automatically subject to
21 a charge for a prorated share of expenses, either direct or
22 indirect, for maintaining common properties within the subdivision,
23 such as roads, parks, recreational areas, common areas and other
24 similar properties. Within the text of this ordinance, a property
25 owners' association is considered to be a single entity for
26 property ownership. As used in this ordinance, the term "property
27 owners' association" shall also be deemed to include a homeowners'
28 association, condominium association or cooperative (apartment)
29 association, as defined in Chapter 711, Florida Statutes, 1971,
30 as amended, having a life tenure of not less than twenty (20)
31 years, as well as a third party having an agreement with a
32 condominium or cooperative association as permitted by Chapter 711,
33 Florida Statutes, as amended.
34

35 STREET, PRIVATE STREET: A "private street" is any street
36 existing prior to or at the time of adoption of this ordinance
37 which has not been dedicated for public use and not accepted for
38 ownership or maintenance by the Board of County Commissioners.
39 After adoption of this ordinance, streets controlled by a property
40 owners' association or condominium or cooperative association as
41 defined by Florida law may be retained as private streets by said
42 association as long as said association accepts the obligation for
43 complete control and maintenance. any STREET which: (1) existed
44 prior to or at on February 5, 1973 and has not been dedicated for
45 public use and not accepted for ownership or maintenance by the
46 Board of County Commissioners; or (2) is dedicated to a property
47 owners' association pursuant to recorded restrictions and covenan-
48 ts or a plat recorded in the Public Records pursuant to this or-
49 dinance; or (3) was dedicated for public use and existed prior to
50 or on February 5, 1973 and has not been accepted for maintenance
51 by the County.
52
53

1 ~~STREET, PUBLIC STREET: a "public street" is any street designed~~
2 ~~to serve more than one property owner, and must be dedicated to~~
3 ~~the public and be accepted for ownership and maintenance by the~~
4 ~~Board, unless it is a private street, allowed by the terms of this~~
5 ~~ordinance.~~

6
7 ~~PUBLIC UTILITY: The term "public utility" as used herein means~~
8 ~~and includes every person, corporation, partnership or association~~
9 ~~or other legal entity, their lessees, trustees or receivers now or~~
10 ~~hereafter, either owning, operating, managing or controlling a~~
11 ~~system or proposing construction of a system that is providing or~~
12 ~~proposes to provide water or sewer service, electricity, natural~~
13 ~~or manufactured gas, or any similar gaseous substance, telephone,~~
14 ~~or telegraph or other communication service to the public for~~
15 ~~compensation.~~

16
17 RESIDENTIAL ACCESS STREET: the lowest order of minor street which
18 is intended to carry the least amount of traffic at the lowest
19 speed within a subdivision, particularly within subdivisions
20 containing clustered lots.

21
22 RETENTION: the collection and storage of a specific portion of
23 stormwater runoff without subsequent direct release to surface
24 waters of said portion or any part thereof.

25
26 RIGHT OF WAY: "Right of way" is a strip of land dedicated or
27 deeded to the perpetual use of the public. SEE "Right of way" in
28 Zoning Code.

29
30 RURAL SUBDIVISION: A "rural subdivision" is the division and
31 development of real estate wherein the developer has elected to
32 divide and develop the real estate for residential use, such as
33 estates, ranchettes, etc., having a net land area of not less than
34 43,560 square feet and is generally developed to establish a
35 country atmosphere. a division of land within an Agriculture
36 Residential, Country Residential, or Agricultural Production zoning
37 district.

38
39 SECONDARY STORMWATER SYSTEM: that component of a stormwater
40 management system which consists of facilities and features
41 designed to provide for treatment and control of stormwater runoff
42 generated by specifically delineated lands, in order to meet
43 regulatory requirements governing the quality and quantity of
44 stormwater discharged to the primary stormwater system.

45
46 SEWERAGE SYSTEM, CENTRAL: The term "central sewerage system" is a
47 system for the collection and disposal of sewage, in accordance
48 with the approval of requisite State and County agencies, from
49 multiple family, commercial, industrial, institutional or other
50 uses and shall include pipes, pumps, tanks, treatment plants and
51 other appurtenances which comprise the system.

1 SEWERAGE SYSTEM, INDIVIDUAL: ~~An "individual sewerage system" is~~
2 a system designed to serve one unit, comprised of pipes, tanks,
3 and subsurface absorption field, or other approved treatment
4 device, for handling and disposing of sewage wastes.

5
6 ~~SHALL: The word "shall" is termed to be mandatory and the word~~
7 ~~"may" is termed to be permissive.~~

8
9 SIGHT DISTANCE: ~~"Sight distance" is the minimum extent of unob-~~
10 ~~structed vision in a horizontal and vertical plane.~~

11
12 SINGLE-FAMILY DETACHED CLUSTER HOME: A "single-family detached
13 cluster home" shall mean a single-family dwelling unit which is
14 part of a cluster of similar dwelling units within a planned unit
15 development but which is separated from other similar units by
16 common areas dedicated to a property owners' association.

17
18 SITE DEVELOPMENT PLAN: SEE "Site Development Plan" in Zoning Code.

19
20 SITE PLAN: SEE "SITE DEVELOPMENT PLAN".

21
22 SPECIAL EXCEPTION SUBDIVISION: ~~A subdivision that would not be~~
23 ~~developable generally but which, when reviewed, approved and con-~~
24 ~~trolled as to development in accordance with Article VI, Part A~~
25 ~~would meet the intent and purpose of this Ordinance. A special~~
26 ~~type of subdivision which was approved by the Subdivision Committee~~
27 ~~under procedures and criteria formerly contained in this Ordinance.~~

28
29 STATE STANDARDS: ~~The term "STATE STANDARDS" shall carry the same~~
30 ~~meaning as the term "DEPARTMENT OF TRANSPORTATION" as defined in~~
31 ~~this article. the various design and construction guidelines,~~
32 ~~policies and standards promulgated, and amended from time to time,~~
33 ~~by the departments and agencies of the State of Florida, including~~
34 ~~but not limited to the Policy and Guidelines for Vehicular~~
35 ~~Connections to Roads on the State Highway Systems, Manual of~~
36 ~~Uniform Traffic Control Devices for Streets and Highways (as~~
37 ~~adopted by the Department of Transportation), Manual of Uniform~~
38 ~~Minimum Standards for Design, Construction and Maintenance for~~
39 ~~Streets and Highways (a/k/a "The Greenbook"), Standard~~
40 ~~Specifications for Road and Bridge Construction, Roadway and~~
41 ~~Traffic Design Standards, and Handbook for Drainage Connection~~
42 ~~Permits.~~

43
44 STORMWATER: the flow of water that results from and occurs
45 immediately following a rainfall event.

46
47 MASTER STORMWATER MANAGEMENT PLAN: ~~"Master storm water management~~
48 ~~plan" refers to an engineering drawing and a written report~~
49 ~~outlining the proposed primary and secondary and tertiary drainage~~
50 ~~and stormwater treatment management facilities needed for the~~
51 ~~proper development of a specific increment of the unincorporated~~
52 ~~area of Palm Beach County, including details of drainage-related~~
53 ~~conditions and characteristics of the existing development site and~~
54 ~~surrounding lands.~~

1
2 STORMWATER MANAGEMENT SYSTEM: a comprehensive system designed and
3 constructed or implemented to collect, convey, store, absorb,
4 inhibit, treat, use or reuse stormwater in order to prevent or
5 reduce inundation, flooding, over-drainage, environmental
6 degradation, and water pollution, or otherwise affect the quantity
7 and quality of stormwater runoff.

8
9 STORMWATER RUNOFF: that portion of stormwater which occurs either
10 as overland surface flow or subsurface lateral flow through
11 normally unsaturated soils, and which is neither intercepted by
12 vegetation, evaporated, nor recharged to groundwater.

13
14 STORMWATER TREATMENT: removal of pollutants, debris, and other
15 undesirable materials from stormwater runoff by means of
16 "stormwater treatment" is the natural chemical, biological or
17 physical processes by which the quality of stormwater may be
18 controlled, and may include, but is not necessarily limited to,
19 detention, retention, filtration, percolation, sedimentation,
20 floatation, and grassed swales, impoundment, grates, screens,
21 baffles, circulation, skimming, devices, flushing and other
22 appurtenances and processes. This definition does not normally
23 include active treatment processes, requiring the consumption of
24 electrical or mechanical energy. such as those processes used in
25 plants similar to water supply or sewage treatment plants.

26
27 STREAM: any river, creek, slough, or other natural watercourse
28 whether or not the bed shall have been dredged or otherwise
29 improved in whole or in part.

30
31 STREET: The term "street" is a strip of land which is designated
32 for vehicular traffic, and affords a principal means of ACCESS to
33 a LOT, or more than one DWELLING UNIT when the strip of land
34 exceeds six hundred (600) feet in length, whether it is publicly
35 or privately dedicated, and whether it is designated as a STREET,
36 highway, thoroughfare, parkway, throughway, road, boulevard, lane,
37 place or however designated. Streets are further classified
38 according to the function they perform; SEE ALSO:

39
40 Arterial Street
41 Cul de sac Street
42 Deadend Street
43 Expressway
44 Limited Access Street
45 Local Street
46 Major Street
47 Marginal Access Street
48 Minor Street
49 Non-Plan Collector Street
50 Plan Collector Street
51 Private Street

Public Street
Residential Access Street

~~STREET, CUL-DE-SAC: The term "CUL-DE-SAC" STREET shall carry the same meanings as the term "CUL-DE-SAC" as defined in this article.~~

~~STREET, EXPRESSWAY: An "expressway" shall be deemed to mean a STREET which is used only for the movement of vehicles providing for no vehicular or pedestrian ACCESS to abutting property, except for STREET ACCESS by grade separation interchanges. ACCESS to an expressway is not permitted except at authorized and controlled points. The acquisition of right of way for expressways includes the acquisition of ACCESS rights thereto.~~

~~STREET, MINOR ARTERIAL: A "MINOR ARTERIAL STREET" is a STREET of higher classification than a LOCAL STREET and is used for continuous travel, primarily as a main traffic artery, but is more intermittent than a MAJOR ARTERIAL and carries more traffic for greater distances than a PLAN COLLECTOR STREET. A MINOR ARTERIAL serves to carry traffic from PLAN COLLECTOR STREET STREETS to EXPRESSWAYS and MAJOR ARTERIALS.~~

~~SUBDIVIDER: a The term "subdivider" shall carry the same meaning as the term "developer", as defined in this article.~~

~~SUBDIVISION: the division of a lot, whether improved or unimproved, whether previously platted or not, into three (3) two (2) or more contiguous lots for the purpose, whether immediate or future, of transfer of ownership; excluding, however, County-required subdivisions, as defined herein. or if the establishment of a new street is involved, any division of such lot. However, the division of land into parcels of more than five (5) acres not involving any change in street lines or public easements of whatsoever kind, which shall be deemed to include the creation of a street or public easement, is not to be deemed a subdivision within the meaning of this ordinance. For the purposes of this definition, the term street shall be deemed to mean the principal means of ingress and egress to a lot. The term includes a shall also apply to any resubdivision of any previously platted lot, and, When appropriate to the text, the term refers to the process of subdividing or to the land proposed to be or which has been subdivided.~~

~~MASTER SUBDIVISION PLAN: A "master plan" shall be a drawing which showing the intended division and improvement of real property to be subdivided and other documents required by and meeting the requirements of this ordinance.~~

~~SURFACE WATERS: "Surface waters" are those which have been precipitated on the land or forced to the surface in springs, and which have then spread over the surface of the ground without being collected into a definite body or channel. They appear as puddles, sheet or overland flow and rills and continue to be surface waters~~

1 ~~until they disappear by infiltration or evaporation, or, until by~~
2 ~~overland or vagrant flow, they reach well defined watercourses or~~
3 ~~standing bodies of water such as lakes or seas. water upon the~~
4 ~~surface of the earth whether contained in natural or artificial~~
5 ~~boundaries or diffused.~~

6
7 SURVEYOR: a ~~"surveyor"~~ is a land surveyor registered in Florida.

8
9 TERTIARY STORMWATER SYSTEM: ~~that component of a stormwater~~
10 ~~management system which consists of facilities and features~~
11 ~~designed to provide for rapid removal of stormwater from~~
12 ~~structures, building sites, streets, and other areas of development~~
13 ~~or uses sensitive to damage or disruption by inundation.~~

14
15 THOROUGHFARE PLAN: the ~~"thoroughfare plan"~~ shall be the official
16 ~~map of present and future STREETS adopted by the Board under the~~
17 ~~"Thoroughfare Plan Ordinance"~~ "Thoroughfare Right of Way Protection
18 Map" adopted as part of the Comprehensive Plan.

19
20 TOWNHOUSE: A ~~"townhouse"~~ shall mean a single family DWELLING UNIT
21 ~~attached to one or more other single family dwelling units by not~~
22 ~~more than two (2) party walls. SEE "Townhouse" in Zoning Code.~~

23
24 TOWNHOUSE CLUSTER: A ~~"townhouse cluster"~~ shall mean two (2) or
25 ~~more townhouses connected by party walls in a single BUILDING.~~
26 SEE "Townhouse Cluster" in Zoning Code.

27
28 TRAFFIC CONTROL DEVICES: a ~~"traffic control device"~~ is any
29 mechanism used to regulate traffic, such as pavement striping,
30 signs, etc., excluding however, for the purpose of this ordinance,
31 any mechanical or electrical device, such as traffic lights.

32
33 WATER MANAGEMENT TRACT: a parcel of land identified as a single
34 unit, depicted on a plat or otherwise created by instrument of
35 record, established for the purpose of delineating a complete
36 facility or unified an area to be utilized for detention,
37 retention, or groundwater recharge of stormwater runoff prior to
38 discharge from a development site.

39
40 WATER SYSTEM, CENTRAL: A ~~"central water system"~~ is the supply
41 of water to serve more than one dwelling, commercial, industrial,
42 institutional or other units and shall include the water source,
43 pipes, pumps, tanks, treatment plants and all other appurtenances
44 to the system.

45
46 WATER SYSTEM, INDIVIDUAL: An ~~"individual water system"~~ is a water
47 source and other appurtenances supplying water to only one
48 dwelling, commercial, industrial, institutional or other units.

49
50 WATERS OF THE STATE: waters, as defined in Section 403.031(12),
51 F.S., subject to compliance with State Water Quality Standards
52 adopted pursuant to Chapter 403, F.S., and set forth in Chapter 17-
53 3, F.A.C.

1 WATERCOURSE: any stream, canal, ditch, or other natural or
2 artificial channel in which water normally flows within a defined
3 bed, banks, or other discernible boundaries, either continuously
4 or seasonally, whether or not such flow is uniform or
5 uninterrupted.

6
7 WATERSHED: the land area which contributed to the total flow of
8 water entering a receiving stream or water body.

9
10 WET DETENTION/RETENTION: detention or retention in a storage
11 facility not designed, constructed, and operated so as to provide
12 dry detention/retention.

13
14 WORK: ~~The term "work"~~ shall include all required construction as
15 shown on approved construction plans and specifications for all
16 facilities and features of any kind which are required, related to
17 the process of subdivision of land under this ordinance.

18
19 ZONING CODE: ~~The term "zoning code"~~ refers to the Zoning Code of
20 Palm Beach County, Florida, as adopted and amended from time to
21 time by the Board of County Commissioners.

PART V: Article 1002, General Requirements, of the Subdivision Regulations is hereby created to read as follows:

1002. GENERAL REQUIREMENTS

1002.1. PLATTING REQUIREMENT. Any developer planning to subdivide land shall record a Final Plat in accordance with the requirements of these regulations unless such requirement is specifically waived by the Subdivision Committee in accordance with the provisions of Section 1008.2

1002.2. REQUIRED IMPROVEMENTS INSTALLATION REQUIREMENT. The adequacy of necessary public or private facilities and services for traffic and pedestrian access and circulation, solid waste, wastewater disposal, potable water supply, stormwater management, fire rescue, parks and recreation and similar facilities and services, and potential adverse impacts on adjacent land uses and facilities shall be considered in the review all development proposals. Unless installation of a required improvement is waived pursuant to Article 1008, no final plat or certified survey shall be recorded until the required improvements set forth in Article 2002 which are applicable to the subdivision are completed in accordance with the requirements of this ordinance or their completion is guaranteed by the developer in accordance with the provisions of Article 1016.

1002.3. Standards for and Cost of Installation. All improvements required shall be built to the standards and specifications as published in this ordinance and the County Standards or as required by the County Engineer in accordance with acceptable standards of engineering principles. All such improvements shall be installed by and at the expense of the developer.

1002.4. CONFORMITY WITH OTHER LAND DEVELOPMENT REGULATIONS. Prior to consideration of any proposed subdivision under the terms of this ordinance, the area to be subdivided shall:

(a) comply with the density, consistency and concurrency requirements and provisions of the Administration and Capital Improvement Elements of the Comprehensive Plan;

(b) be in the proper zoning district and have the necessary zoning approvals required for the intended use; and

(c) comply with and conform to the policies, objectives and goals of the Land Use and all other elements of the Comprehensive Plan.

1002.5.

SITE SUITABILITY. No subdivision shall be approved for land unsuitable for such development, unless adequate methods of correction or mitigation are formulated and approved in accordance with the provisions of this ordinance. The County Engineer may determine that land is unsuitable for subdivision due to unstable or poorly drained soils, frequent inundation, existence of environmentally protected or endangered areas, or conditions or features deemed to be harmful to the health, safety and general welfare of future residents.

PART VI: Article 1003, Application of Ordinance, of the
Subdivision Regulations is hereby created to read as
follows:

1003. APPLICATION OF ORDINANCE

1003.1. GENERAL APPLICATION. No person, firm, corporation
or any other association shall create a subdivision
or develop any lot within a subdivision anywhere in
the unincorporated area of Palm Beach County except
in conformity with this Ordinance. No subdivision
shall be platted or recorded unless such
subdivision meets all the provisions of this
Ordinance, the provisions of other applicable
County ordinances, and those of any applicable Laws
of the State of Florida, and has been approved in
accordance with the requirements of this Ordinance.

1003.2. BUILDING PERMITS AND OTHER APPROVALS. No Building
Permit or Certificate of Occupancy or Certificate
of Completion or Paving Permit shall be issued for
any structure or construction on any lot if such
lot was created in violation of this Ordinance or
if such lot is not in conformity with the pro-
visions of these regulations. Except as provided
in Subsection 1003.2.1 below, building and paving
permits shall not be issued for any structure on a
lot for which the final plat or certified survey,
as applicable, has not been recorded in the manner
prescribed in this ordinance.

1003.2.1. Temporary structures and permanent structures
having a temporary use collectively,
("temporary uses") may receive a building
permit or paving permit prior to recordation
of the final plat or certified survey for the
property only when the use and location is
approved pursuant to this subsection. Except
for planned unit development subdivisions, the
final final subdivision plan, or alternate
subdivision plan, or certified survey shall
show the location of the temporary use as
required by Paragraph 1011.1.2 . The
Subdivision Committee or the County Engineer,
as applicable, shall apply the criteria and
time frames set forth in Section 500.21.N of
the Zoning Code; provided, however, the
required applications for extension shall be
made to the County Engineer. Planned unit
developments shall comply only with Section
500.21.N of the Zoning Code.

PART VII: Article XVI, Previously Platted Subdivisions, of the Subdivision Regulations is hereby transferred to Article 1004, renumbered and amended to read as follows:

ARTICLE XVI:

1004. PREVIOUSLY APPROVED OR PLATTED SUBDIVISIONS

1004.1. SECTION I: ACTIVE SUBDIVISION DEVELOPMENT. A plat and/or improvement plans for a subdivision which have been approved under the subdivision regulations adopted by the Board of County Commissioners June 20, 1955, and amendments thereto, currently active and under development shall be completed as approved under those regulations with respect to the approved plans and/or plat; however, additions thereto which have not been approved and are not actively under construction shall be subject to the requirements of this ordinance. All active subdivision developments and all previously platted subdivision developments shall be subject to the requirements of this ordinance in accordance with the provisions of this article.

1004.1.1. ACTIVE SUBDIVISION PLAN. Any subdivision development which on February 1, 1990, is proposed to be or is being developed under an active subdivision plan, as defined herein, shall not be subject to the requirements of Section 1011.1 or Article 1008, as applicable. Any subdivision plan shall be deemed an active subdivision plan when it meets the following requirements, unless abandoned, modified or vacated, as described in this Article, when:

(a) For Developments Without Zoning for a Planned Unit Development: the plan of development was approved as a master plan or special exception subdivision by the subdivision committee prior to February 1, 1990; or, the plan was submitted for master plan or special exception subdivision approval prior to February 1, 1990 and is approved by the Subdivision Committee prior to March 1, 1990; and

(b) For Planned Unit Developments: a final master land use plan was approved by the Site Plan Review Committee prior to February 1, 1990; and the development is otherwise in compliance with the requirements of the Zoning Code and any

conditions of the zoning special exception approval; or the final master land use plan was submitted prior to February 1, 1990 and certified by the Site Plan Review Committee prior to April 30, 1990.

1004.1.2. ACTIVE PLAT: Any subdivision being undertaken pursuant to an active subdivision plat, as defined below, shall develop the required improvements for the subdivision in accordance with the procedures, design criteria and standards which were in effect at the time of the plat or plan approval, as applicable. Any plat or site plan, as applicable, which meets the following requirements unless abandoned, modified or vacated as described in this Article, shall be deemed an active subdivision plat:

(a) For Plats of Subdivisions in Developments Without Zoning for a Planned Unit Development: the preliminary plat and construction plans were submitted prior to February 1, 1990 and received Technical Compliance prior to August 1, 1990; or the preliminary plat and construction plans received Technical Compliance prior to February 1, 1990 and received a Land Development Permit prior to August 1, 1990; or the certified survey was recorded prior to August 1, 1990 in accordance with an active subdivision plan (as defined above) for a special exception subdivision.

(b) For Plats of Subdivisions in a Planned Unit Development: the site plan for the plat was approved by the Site Plan Review Committee prior to February 1, 1990 and the corresponding preliminary plat and construction plans received Technical Compliance prior to August 1, 1990, or the site plan was submitted for Site Plan Review Committee consideration prior to February 1, 1990 and approved by said Committee prior to April 1, 1990.

1004.1.3. SUBDIVISION DEVELOPMENTS WHICH ARE COMMITTED DEVELOPMENTS OR DEEMED VESTED: Any development which constitutes a committed development under the Comprehensive Plan and the Concurrency Exemption Ordinance, Ordinance No. 89-____, or which has otherwise been deemed

1
2 vested under Florida law, is hereby deemed an
3 active subdivision plan or plat, as
4 applicable.

5 1004.1.4. MODIFICATIONS TO AN ACTIVE SUBDIVISION PLAN OR
6 PLAT: Modifications to an active subdivision
7 plan or plat shall subject the development to
8 the requirements and criteria of this
9 ordinance when:

10
11 (a) the modification of an active subdivision
12 plan for a planned unit development
13 cannot be approved by the Site Plan
14 Review Committee in accordance with the
15 authority granted to it under Section 407
16 of the Zoning Code; or

17
18 (b) the modification of an active subdivision
19 plan for a subdivision development not
20 zoned for a planned unit development
21 could only be approved by the Board when
22 applying the criteria governing approvals
23 by the Site Plan Review Committee for
24 planned unit developments as set forth
25 Article 407 of the Zoning Code; or

26
27 (c) the modification of an active plan or
28 plat constitutes more than a minor
29 deviation such that, in the opinion of
30 the County Engineer, the construction
31 plans for the required improvements for
32 the subdivision require a new submittal
33 and review.

34
35 1004.1.5. ABANDONMENT OF ACTIVE SUBDIVISION PLAN OR PLAT
36 APPROVAL PLAN. When the developer fails to
37 seek subsequent approvals and permits within
38 the time frames required by this Ordinance,
39 such failure shall be evidence that the active
40 subdivision plan or plat has been abandoned
41 and the active status of the Subdivision Plan
42 or plat, as applicable, granted herein shall
43 be void.

44
45 1004.1.6. AUTHORITY OF THE SUBDIVISION COMMITTEE. The
46 Subdivision Committee shall have the author-
47 ity to review any subdivision development
48 which does not meet the strict requirements of
49 this Section 1004.1 and to declare the master
50 plan, final land use plan, preliminary or
51 final plat, (and accompanying construction
52 plans), special exception subdivision
53 approval, or site plan, as applicable, to be
54 an active approval when the Subdivision

Committee finds that such declaration would be in accordance with the purpose and intent of this ordinance and in the best interest of the general public. Such reviews shall be made upon application by either the developer or the County Engineer, which application shall be on a form prescribed by the Subdivision Committee.

1004.1.7. FEES WAIVED FOR APPLICATIONS BY THE COUNTY ENGINEER: Any fee required for an application made pursuant to this Section 1004.1 is hereby waived for all applications made by the County Engineer.

1004.2. SECTION II: REVERSION OF SUBDIVIDED LAND TO ACREAGE NON-CONFORMING SUBDIVISIONS. The official records of Palm Beach County contain plats recorded prior to the adoption of this ordinance [February 3, 1973] governing subdivision development in Palm Beach County. Such plats show areas within Palm Beach County which have been platted as subdivisions, but which have either been partially improved or developed or remain unimproved or undeveloped. These areas, if developed improved further as platted or further developed as platted, prior to February 3, 1973, would not conform to the current needs for urbanization in Palm Beach County as established herein. the policies and objectives of the Comprehensive Plan for such areas.

1004.2.1. AUTHORITY OF THE BOARD TO VACATE NON-CONFORMING PLATS. A. The Board of County Commissioners of Palm Beach County, Florida, shall have the power, on its own motion, to order the vacation and reversion to acreage of all or any part of the subdivision within the unincorporated areas of Palm Beach County, including the vacation and abandonment of streets or other parcels of land dedicated for public purposes or any of such streets or other parcels and the vacating of streets and other parcels of land reserved for the use of the owners, including lands maintained by the property owners association.

1004.2.2. REQUIREMENTS FOR VACATION OF NON-CONFORMING PLATS. B. Such order of vacation and reversion of subdivision plats may only be made by the Board of County Commissioners if the following requirements are met:

(a)(1) A plat of the subdivision was recorded as provided by law not less

than five (5) years before the date of proposed reversion to acreage; and

~~(b)(2)~~

In the subdivision or part thereof proposed to be reverted to acreage, not more than ten per cent (10%) of the total subdivision area has been sold as lots by the original subdivider or his successor in title.

1004.2.3. AUTHORITY OF OWNERS TO DEVELOP NON-CONFORMING SUBDIVISIONS WHICH ARE SUBJECT TO VACATION BY BOARD. The owner or owners of a subdivision subject to vacation and reversion to acreage by motion of the Board of County Commissioners may at their option vacate ~~or~~ abandon the subdivision or portion thereof in accordance with the procedures of the Board, or may improve undeveloped rights of way or rights of way which have been partially improved at their cost and expense, provided such improvements shall comply with the provisions of this ordinance, ~~and upon completion be acceptable to the Board of County Commissioners for maintenance.~~

1004.3. PUBLIC HEARING REQUIRED ~~C.~~ Prior to ordering such a vacation and reversion to acreage, the Board of County Commissioners shall hold a public hearing relative to the proposed vacation and reversion to acreage, with prior notice thereof being given by publishing in a newspaper of local circulation the date of and the subject matter of the hearing at least ~~once~~ twice within the two (2) week period preceding the date of such public hearing. At such public hearing, the vacation and reversion to acreage of subdivided land must be shown to either conform to the comprehensive plan or reduce the nonconformity with the comprehensive plan. ~~of the area in that the public health, safety, economy, comfort, order, and welfare will be promoted thereby.~~

1004.4. LEGAL ACCESS TO BE MAINTAINED. ~~D.~~ No owner of any parcel of land in a subdivision vacated and returned to acreage or abandoned by the owners shall be deprived by the reversion to acreage or abandonment of any part of the subdivision of reasonable access to such parcel nor to reasonable access therefrom to existing facilities to which such parcel has theretofore had access. Such access remaining or provided after such vacation and reversion or abandonment may not necessarily be the

1 same as theretofore existing, but shall be reason-
2 ably equivalent thereto.
3

4 ~~E. The owner or owners of a subdivision subject to vacation and~~
5 ~~reversion to acreage by motion of the Board of County Commis-~~
6 ~~sioners may at their option vacate or abandon the subdivision or~~
7 ~~portion thereof, or may improve undeveloped rights of way or rights~~
8 ~~of way which have been partially improved at their cost and~~
9 ~~expense, provided such improvements shall comply with the~~
10 ~~provisions of this ordinance and upon completion be acceptable to~~
11 ~~the Board of County Commissioners for maintenance.~~
12

13 1004.5. SECTION III: IMPROVEMENT OF EXISTING PARTIALLY
14 DEVELOPED NON-CONFORMING SUBDIVISIONS NOT SUBJECT
15 TO VACATION AND REVERSION TO ACREAGE BY MOTION OF
16 THE BOARD OF COUNTY COMMISSIONERS. The improvement
17 of existing partially developed, non-conforming
18 subdivisions not subject to vacation and reversion
19 to acreage by motion of the Board of County
20 Commissioners shall comply with the requirements of
21 this ordinance and the following:
22

23 (a)-A. ROADS AND STREETS. The existing right of way
24 for a local streets shall be considered
25 sufficient provided it is at least fifty (50)
26 feet wide and the improvements comply with the
27 fifty (50) foot typical section for road local
28 street construction as contained in the County
29 standards. If the existing right of way is
30 less than fifty (50) feet wide, additional
31 right of way shall be provided to make a total
32 of not less than fifty (50) feet.
33

34 (b)-B. POSITIVE DRAINAGE. Positive drainage shall be
35 established or proven, meeting all requirements
36 for connection to a point of legal positive
37 outfall. Easements for proper drainage shall
38 be provided where necessary at a width adequate
39 to accommodate the drainage facilities. A
40 minimum of twelve (12) feet shall be provided
41 for underground storm drainage installations
42 and where canals or ditches are permitted, the
43 width shall be adequate to accommodate drainage
44 facilities plus twenty (20) feet on one side
45 to permit equipment to enter for maintenance
46 purposes.
47

48 C. ~~The preliminary plat and final plat sections of this or-~~
49 ~~dinace are not required where the improvements are contained in~~
50 ~~existing platted rights of way and no additional right of way~~
51 ~~dedication is needed. Drainage rights of way and easements where~~
52 ~~a plat is not required shall be submitted by separate instrument~~
53 ~~dedicating the easement for such purposes.~~
54

1 ~~SECTION IV: WAIVER. In portions of a subdivision which are not~~
2 ~~under the control or ownership of the developer, the County~~
3 ~~Engineer may waive the additional right of way requirement set~~
4 ~~forth in subparagraphs A through C of Section III hereof, when it~~
5 ~~is shown to be impossible for the developer to acquire the required~~
6 ~~additional right of way.~~
7

PART IX: Article XIII, Planned Developments, of the Subdivision Regulations is hereby transferred to Article 1005, renumbered and amended to read as follows:

1005. ARTICLE XIII:—PLANNED UNIT DEVELOPMENTS.

1005.1. Definition of Planned Developments.

Any pPlanned unit developments which is to be subdivided as defined in the Palm Beach County Zoning Code shall comply with the requirements of this ordinance after approval, as required by the Zoning Code of the final master land use plan or final Site development plan, as applicable, as required by the Zoning Code. For the purpose of this ordinance, "Planned Development" shall mean a Planned Unit Development, a Planned Residential Development, a Planned Industrial Park, a Mobile Home Condominium Park, a Mobile Home Rental Park, or a Recreational Vehicle Park as defined and regulated in the Zoning Code. Lot sizes, setbacks and other features preserving open spaces of scenic and useful value for common enjoyment established in the Zoning Code for Planned Unit Development take precedence over this ordinance in cases of specific conflict.

1005.2. Alternate Subdivision Plan Approval. Upon submission to the County Engineer of the applicable approved final plan, preliminary stormwater management plan and internal traffic circulation analysis for a pPlanned unit development, s shall otherwise comply with all sections of this ordinance, with the exception of the master the County Engineer may deem the submittal as the subdivision plan for the planned development. Within 15 days of receipt of a complete submittal, the County Engineer shall review and act on the application. If approved, the Final Land Use Plan or Final Site Development Plan, as applicable, shall be declared a final Subdivision Plan for the planned development, subject to the conditions and requirements of Sections 1011.4 and 1011.5. If denied, the developer shall comply with Article 1011. section; however, prior to applying the Construction Plan and Preliminary Plat Section to a Planned Unit Development, a master plan approved as prescribed by the Zoning Code must be submitted to the Office of the County Engineer. When such declaration is made for a planned unit development, the final subdivision plan shall include the site plans approved by the Site Plan Review Committee as required by Section 500.21 of the Zoning Code. Every submittal under Articles 1013 and 1014 shall be made subsequent to the approval of a site plan by the Site Plan Review Committee for the area submitted, and the boundaries of the area shown on such submittal shall coincide with the entire

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approved site plan, or with a designated phase
thereof. An alternate subdivision plan approval
shall not be granted for any planned development
which has not obtained;

1. a concurrency exemption; or
2. an approved developer's agreement pursuant to
a conditional concurrency reservation; or
3. a concurrency reservation.
4. other Comprehensive Plan approvals required by
1002.4.

PART X: Article XIV, Rural Subdivisions, of the Subdivision Regulations is hereby transferred to Article 1006, renumbered and amended to read as follows:

1006. ~~ARTICLE XIV~~ ALTERNATE DESIGNS FOR RURAL SUBDIVISIONS

1006.1. ~~SECTION I~~ SCOPE. This ~~article~~ section is to provide a means of establishing a rural subdivision in harmony with the general purpose and intent of this ordinance.

1006.2. ~~SECTION II~~ APPLICATION REQUIREMENTS. Upon submission of the ~~master subdivision plan, and an application for a rural subdivision designation,~~ the Subdivision Committee and County Engineer may approve the application for election to comply with this ~~article section.~~ and recommend to the Board of County Commissioners approval for the recording of a plat subject to the following conditions: A rural subdivision shall meet the platting requirement of this ordinance. Due to the rural or country nature of the rural subdivision, certain requirements and provisions for the construction of the required improvements are not appropriate. In order to provide a rural environment, the following alternate designs shall be permitted in a subdivision which has been approved for the rural subdivision designation.

1006.3.(a) ~~That all of the requirements of this ordinance shall apply except as the design requirements may be modified by this Section. street lighting, sidewalks and bicycle/pedestrian paths.~~

1006.3.1. ACCESS AND CIRCULATION SYSTEMS. Local roads streets may be developed without a wearing surface. ~~Roads without a wearing surface are permitted only on a local road basis and only when but shall be otherwise constructed to the standards required by this ordinance.~~ All other roads streets of higher classification, as defined in this ordinance, shall be constructed to meet or exceed County standards. ~~(b) Streets constructed without a wearing surface shall be privately maintained and shall not be considered for dedication or acceptance as public streets until paved, reconstructed and tested, as necessary, to meet County Standards. Costs of maintenance and further development of the local roads streets established in a rural subdivision shall be borne solely by the owners of the property fronting on such improvements within the~~

subdivision. Sidewalks and bike paths shall not be required when local streets are constructed without a wearing surface. The seller developer and any subsequent owner/seller shall fully disclose to the purchaser the method of payment of costs of maintenance and improvements of local roads streets developed without a wearing surface. (d) The developer shall adequately warrant, by recorded covenant, that the County will not be liable for cost of maintenance or further development of local roads streets constructed without a wearing surface.

(e) ~~The rural subdivision shall conform and comply to the thoroughfare plan, and where such plan affects the proposed subdivision, the subdivision shall provide for the compatible development of present and future streets as shown on the Thoroughfare Plan.~~

(f) ~~The required improvements shall be installed either prior to the recordation of the plat or under surety posted with the County as prescribed in preceding articles. When the required improvements are to be completed prior to the recording of the plat, it shall be expressly understood that no building permit shall be issued for any structure on a lot wherein the final plat has not been approved and recorded in the manner prescribed by this ordinance, and the approval to construct the required improvements prior to recording of the plat shall not be construed as authority for the sale of lots in reference thereto.~~

~~SECTION III: COMPLETION TIME. All required improvements shall be completed within twenty one (21) months from the date of issue of the land development permit. Time extensions may be granted by the Board of County Commissioners upon the recommendations of the County Engineer. The developer shall present a written request for extension to the Office of the County Engineer. Each time extension shall not exceed one year.~~

1006.3.2. WASTEWATER SYSTEM. Rural subdivisions within the Rural Service Area shall utilize the individual system in accordance with 2007.3.

1006.3.3. WATER SYSTEM. Rural subdivisions within the rural service area shall utilize the individual system in accordance with 2008.3.

1006.3.4. UTILITIES INSTALLATION. Underground utility installation is not required for rural subdivisions and rural subdivisions shall be

1 excepted from the requirement of Section
2 2009.2. for such installation.

3
4 ~~SECTION IV: INVESTMENT PROPERTY~~

5
6 ~~— Upon application in conjunction with the procedures for master~~
7 ~~plan approval and subject to the approval of the Board, the~~
8 ~~completion time prescribed in the foregoing section may be~~
9 ~~extended for a period not to exceed ten (10) years for the purpose~~
10 ~~of long term investment sales of lots in rural subdivisions. No~~
11 ~~such time extension shall be granted by the Board unless the~~
12 ~~developer has complied with the following:~~

13
14 ~~(a) All other requirements of this ordinance through the~~
15 ~~approval of the supplementary material and recordation~~
16 ~~of the final plat.~~

17
18 ~~(b) The guarantees have been posted for the completion of the~~
19 ~~required improvements in the form of a cash deposit or~~
20 ~~personal bond with a letter of credit complying with~~
21 ~~the provisions of this ordinance. Estimates for the~~
22 ~~establishment of the guarantee in a rural subdivision~~
23 ~~proposing long term investment sales shall be based on~~
24 ~~one hundred twenty five per cent (125%) of the~~
25 ~~engineering and construction costs.~~

26
27 ~~(c) The long term sales of lots in a rural subdivision shall~~
28 ~~only be conducted within areas wherein a plat has been~~
29 ~~recorded.~~

30
31 ~~(d) The developer shall fully disclose to the purchaser how~~
32 ~~and when the required improvements shall be installed.~~
33 ~~The deed, agreement for deed, contract for deed or other~~
34 ~~instrument of conveyance in form acceptable to the~~
35 ~~County Attorney, shall incorporate therein in red ten~~
36 ~~point type where such instrument is printed as a standard~~
37 ~~form or red colored capital letters where the instru-~~
38 ~~ment is typed or hand written, the information required~~
39 ~~in the following statements:~~

40
41 ~~(1) That date required improvements are to be com-~~
42 ~~pleted. Such date shall coincide with the time~~
43 ~~period approved by the Board.~~

44
45 ~~(2) That no building permits will be issued until such~~
46 ~~time as the required improvements have been~~
47 ~~completed, accepted and approved by the Board.~~

48
49 ~~(3) If local roads without a wearing surface are~~
50 ~~proposed, the cost for maintenance and further~~
51 ~~development of said roads will be borne by the owner~~
52 ~~of property fronting on such improvements and~~
53 ~~further, describing the method of assessment of~~
54 ~~costs for such maintenance and improvements.~~

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~~(e) The guarantee provided in conjunction with investment sales of lots in rural subdivisions shall incorporate a clause to provide for changes in constructions costs which may occur during the time extended for the completion of the required improvements. The developer shall provide a new estimate to the Office of the County Engineer every two(2) years at the anniversary date of the recording of the plat. The cost estimate shall be reviewed and approved by the County Engineer and the surety shall be revised accordingly. When a developer has elected to comply with this article, it shall be automatic authority for the Board, upon failure of the developer to revise the amount of surety posted with the County, to issue a cease operation order and the cost of completing the required improvements shall become a lien on the property of the developer, within the subdivision area, in the amount of the difference between the surety posted and the actual cost of construction and the installation of the required improvements, where such costs and installations are in excess of the guarantee posted.~~

PART XI: Article 1007, Phased Developments, of the Subdivision Regulations is created to read as follows:

1007. PHASED DEVELOPMENTS.

1007.1. The property encompassed by a final subdivision plan may be developed in two (2) or more increments pursuant to the terms of this section. The DEVELOPER shall indicate on the final subdivision plan, that the tract will be platted and constructed in phases and shall submit a general phasing plan prior to submission of the first plat within the final subdivision plan. The construction plans and PRELIMINARY PLAT shall coincide with the appropriate phase shown on the final subdivision plan. Construction plans or a preliminary plat for a partial phase shall not be accepted.

1007.2. The improvements of each phase shall be capable of operating independently of any unconstructed phase with respect to drainage, access, utilities (including water and sewer), and other required improvements, except as provided herein. A dependent phase may be constructed if the improvements of the foundation phase are under construction pursuant to a land development permit; provided, however, if the required improvements of any unconstructed foundation phase are not secured pursuant to a guarantee posted with a Contract for Construction of Required Improvements, then the required improvements for all phases dependent on the foundation phase shall only proceed if: (1) all dependent phases are constructed under a Contract for Construction of Required Improvements Prior to Platting, or (2) sufficient security has been posted to guarantee the completion of all interdependent improvements in both the foundation phase and the dependent phase. A dependent phase shall not be acknowledged as completed until the improvements in the foundation phase are acknowledged as completed; provided, however, that such acknowledgement of completion may occur simultaneously and provided, further, that the County Engineer may permit the posting of surety to guarantee the installation at a later time of the recreational facilities and other required improvements which are not necessary to provide drainage, access, or utilities to a such phases.

- 1
2 1007.3. The phasing plan and all phasing construction shall
3 conform to any phasing plan approved under the
4 Certificate of Concurrency.
5
6 1007.4. The phasing plan and all phasing construction shall
7 be completed in accordance with any phasing controls
8 and time frames required by the Zoning Code which
9 are applicable to the development.
10
11 1007.5. When the final subdivision plan is to be developed
12 in phases or stages requiring more than one (1)
13 final plat, successive plats must be filed so that
14 construction and development activity shall be of
15 a reasonable continuous nature. In no event,
16 however, shall more than two (2) years elapse
17 between the filing of successive plat, unless the
18 time is extended as provided herein. Upon the
19 expiration of any time period established by this
20 section, the approval for the Subdivision
21 development shall be subject to mandatory review by
22 the Subdivision Committee.
23
24 1007.6. When the final subdivision plan is to be constructed
25 in phases, the following sequence must be adhered
26 to:
27
28 (a.) The recreation facility or recreation
29 facilities, required by Article 2006 to serve
30 the entire development, shall be platted prior
31 to the platting of more than forty (40) percent
32 of the total permitted dwelling units.
33
34 (b.) The commercial facilities shall not be platted
35 prior to the platting of at least twenty (20)
36 percent of the total permitted dwelling units
37 for projects encompassing less than one
38 thousand (1,000) acres and of at least ten (10)
39 percent of the total permitted dwelling units
40 for projects encompassing more than one
41 thousand (1,000) acres.
42
43 (c.) The gross density of an individual plat shall
44 not exceed the maximum density permitted for
45 the entire development unless the total of all
46 previously recorded plats of record and the
47 plat under review produces an average density
48 less than or equal to the approved maximum
49 density for the entire development.
50
51 1007.7. TIME EXTENSION. The County Engineer may extend the
52 time for filing successive plats for a total of no
53 more than two (2) years. Each time extension shall
54 not exceed one (1) year in length and the total

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amount of all extensions shall not exceed two (2) years.

PART XII: Article 1008, Exceptions to General Requirements, of the
Subdivision Regulations is created to read as follows:

ARTICLE 1008. EXCEPTIONS TO GENERAL REQUIREMENTS

1008.1. AUTHORITY. The Subdivision Committee is hereby empowered to make certain exceptions to the platting requirement and required improvement installation requirement of Article 1004 in accordance with the policies and procedures set forth in this Article. A plat waiver or required improvement installation waiver shall not be granted for any development which has not obtained:

1. a concurrency exemption; or
2. an approved developer's agreement pursuant to a conditional concurrency reservation; or
3. a concurrency reservation.

1008.2. PLAT WAIVER; CERTIFIED SURVEY. If, after review of the preliminary subdivision plan by the Subdivision Committee, it is determined that the proposed subdivision meets one of the conditions given in subsection 1008.2.1, the requirement to file a plat may be waived and a certified survey, meeting the requirements of this Ordinance, shall be recorded in lieu of a plat.

1008.2.1. APPLICATIONS FOR EXCEPTIONS TO PLATTING REQUIREMENT. In order to determine whether platting may be waived, the developer shall submit a preliminary subdivision plan in accordance with the requirements of this Ordinance together with a statement demonstrating that the subdivision meets at least one (1) of the following conditions:

(a) The division is for the purpose of constructing not more than one (1) townhouse cluster in compliance with the Zoning Code.

(b) The division is to be into no more than three (3) contiguous lots and at least one of the following circumstances applies:

(1) unusual conditions are created by ownership or development of adjacent lands; or

(2) the land concerned is isolated or removed in its relationship to other platted or improved lands; or

1
2 (3) dedications or reservations are not
3 required for the installation or
4 maintenance of the required improvements,
5 and the improvements and dedications
6 existing on the land are substantially in
7 accordance with the requirements of this
8 Ordinance.
9

10 (c) RURAL LOTS: The division of an area of
11 land not exceeding eight (80) acres in
12 size into lots of at least ten (10) acres
13 and which area meets the following
14 additional conditions:
15

16 (1) Legal access to the area to be
17 subdivided exists; and
18

19 (2) Legal access to the proposed lots
20 exist or will be established and
21 dedicated to and to be maintained by
22 a property owners association or
23 water control district; and
24

25 (3) Legal positive outfall exist and the
26 appurtenant drainage easements are
27 dedicated to, maintained and accepted
28 by either by a property owners'
29 association or water control
30 district.
31

32 (d) COMBINATION/RECOMBINATION OF LOTS: The
33 change in lot lines is for the purpose of
34 combining or recombining lots or portions
35 thereof, platted or unplatted, where all
36 the resulting lots meet the requirements
37 of the Comprehensive Plan and Zoning Code
38 or reduce the degree of non-conformity to
39 the requirements of the Comprehensive Plan
40 and Zoning Code, as applicable, and the
41 dedication of right of way or installation
42 of improvements either would not be
43 required pursuant to this Ordinance or
44 would be required and their installation
45 would be guaranteed by the developer
46 pursuant to the provisions of this
47 ordinance. Provided, however, that any
48 application hereunder for lands shown on
49 a record plat recorded after February 3,
50 1973, shall be limited to any necessary
51 to correct errors in the recorded plat or
52 to make an adjustment due to an error
53 created in an isolated instance by
54 construction of a dwelling unit or other

1 building. In such cases, the improvements
2 shall be in compliance with the standards
3 in effect at the time of recording the
4 plat or with any approved variance to such
5 standards.

6
7
8 (e) LOTS ABUTTING PUBLIC STREETS: The division
9 is proposed in such a manner that all lots
10 created would abut a public street, and
11 dedication of right of way is neither
12 necessary to service the lots pursuant to
13 this Ordinance nor required under the
14 Comprehensive Plan or other land
15 development regulation of the County, and

16
17 (f) ANTIQUATED SUBDIVISIONS: The lot or lots
18 were created as part of an antiquated
19 subdivision and the Subdivision Committee
20 finds that the subdivision substantially
21 complies with the intent, purposes and
22 requirements of this ordinance. In making
23 such determination, the Subdivision
24 Committee shall consider the following
25 information and any other information it
26 deems appropriate:

27
28 (1) the total area of land encompassed
29 by the antiquated subdivision,

30
31 (2) the number of lots created within
32 the antiquated subdivision,

33
34 (3) the prior and subsequent subdivision
35 of the area encompassed by the
36 antiquated subdivision and whether
37 such subdivision was platted or
38 otherwise surveyed and placed of
39 record,

40
41 (4) the need for dedications or
42 reservations to ensure installation
43 and continued maintenance of the
44 required improvements,

45
46 (5) the extent of deviation from the
47 requirements of this ordinance,

48
49 (6) the extent of ownership
50 fragmentation, including the number
51 of lots sold and the number of lots
52 developed,
53

1 (7) the degree of compliance with other
2 County land development regulations,
3 including but not limited to the
4 Comprehensive Plan and the Zoning
5 Code.

6
7 (8) the number of lots to be created,
8 and

9
10 (9) the extent of development in the
11 surrounding area.

12
13 (g) RECOMBINATION FOR DENSITY REQUIREMENT OF
14 COMPREHENSIVE PLAN. The recombination or
15 resubdivision is required in order for
16 the new lot or lots to meet the density
17 requirements of the Comprehensive Plan.

18
19 1008.2.2. EFFECT OF APPROVAL. Additionally, the recorded
20 certified survey shall constitute the approved
21 final subdivision plan for the subdivision.
22 When such subdivision is not encompassed by a
23 Final Subdivision Plan approved pursuant to
24 Article 1011. The granting of a plat waiver
25 in no manner reduces or waives the requirements
26 of this ordinance to install the Required
27 Improvements.

28
29 1008.3. Exceptions to Installation of Improvements
30 Requirement. If, after review of the preliminary
31 subdivision plan by the Subdivision Committee, it
32 is determined that all or any of the required
33 improvements meets the requirements of this Section,
34 the installation of such required improvement may
35 be waived. The developer shall submit a Preliminary
36 Subdivision Plan in accordance with the requirements
37 of this Ordinance together with a statement
38 asserting that the subdivision meets at least one
39 (1) of the following conditions:

40
41 (a) unusual conditions are created by ownership or
42 development of adjacent lands, or the land
43 concerned is isolated or removed in its rela-
44 tionship to other platted or improved lands,
45 and the improvements and dedications existing
46 on the land and serving the land are
47 substantially in accordance with the
48 requirements of this Ordinance; or

49
50 (b) the installation of improvements required by
51 this ordinance or by the levels of service in
52 the Comprehensive Plan is not applicable to
53 the land in that:
54

1 (1) dedication of right of way or reservation
2 of the street(s) is not necessary to service
3 the lots, and

4
5 (2) it is not necessary to construct any
6 street in order to provide access to the lots,
7 and

8
9 (3) public utilities, including but not
10 limited to water, sewer, communication services
11 and electricity, are currently and immediately
12 available to the site and exist in substantial
13 compliance with the requirements of this
14 ordinance and in accordance with the
15 requirements of this ordinance.

16
17 1008.3.1. The granting of a waiver to the installation
18 of improvements requirement in no manner
19 reduces or waives the requirement of this
20 ordinance to file a plat.

21
22 1008.4. APPLICATIONS AND PROCEDURES FOR WAIVERS.
23 Applications made pursuant to this Article shall be
24 made on the form(s) prescribed by the County
25 Engineer, which shall include the requirements for
26 preliminary subdivision plans contained in
27 Subsections 1010.3.1 and 1010.3.2.
28

PART XIII: Article VII, Administration of Ordinance, of the Subdivision Regulations is transferred to Article 1009, renumbered and amended to read as follows:

1009. ~~ARTICLE VII:~~ ADMINISTRATION OF ORDINANCE

1009.1. ~~SECTION I:~~ ~~RESPONSIBILITY FOR COORDINATION AND ENFORCEMENT OF PROVISIONS~~

1009.1.1. DUTIES OF THE COUNTY ENGINEER. For the purpose of coordinating, enforcing and administering this ordinance, the County Engineer shall be deemed the administrative officer of this ordinance. The responsibilities of the County Engineer may be delegated in whole or in part, and he shall employ those persons necessary for the administration and enforcement of this ordinance. The County Engineer shall adopt policies and procedures for administering and enforcing the provisions of this ordinance including, but not limited to the setting of fees pursuant to the policies of the Board. The County Engineer shall serve as Chairman of the Subdivision Committee, as established herein, and may appoint non-voting members to the Subdivision Committee as he deems necessary.

1009.1.2. ~~SECTION II:~~ SUBDIVISION COMMITTEE. There is hereby established a Subdivision Committee consisting of the following members, or their duly authorized representatives: ~~The County Engineer, who shall be chairman; the county Environmental Control Officer; and the directors or officials of the Planning, Zoning, Traffic, water and sewer and survey departments; and the County Health Unit Public Health Unit,~~ named below. The members of the Subdivision Committee shall elect a vice-chairman to serve in the event of the chairman's absence. Engineering, Environmental, Land Use, Utilities and Fire Rescue shall be represented as follows:

(a) ENGINEERING: the County Engineer; representatives of the Land Development, Survey and Traffic Divisions of the Engineering Department.

(b) ENVIRONMENTAL: the County Environmental Control Officer; the Director of the Department of Environmental Resources Management; and the Director of the Public Health Unit.

1
2 (c) FIRE RESCUE: the Chief of Palm Beach
3 County Fire Rescue.

4
5 (d) LAND USE: representatives of the Planning,
6 Zoning and Building Divisions; and the
7 Director of the Parks and Recreation
8 Department.

9
10 (e) UTILITIES: the Director of the County's
11 Water Utilities Department.

12
13 1009.1.3. SECTION—III+ POWERS AND DUTIES OF THE
14 SUBDIVISION COMMITTEE—A. The powers and
15 duties of the Subdivision Committee shall
16 include, but not be limited to:

17
18 (a) 1. Review of preapplication for a sub-
19 division. review and act on preliminary
20 and final subdivision plan applications
21 in accordance with the requirements of
22 this ordinance and other applicable land
23 development regulations of the County and
24 State.

25
26 (b) 2. Review and act on the master plan for
27 its compliance with this ordinance, the
28 laws of the State of Florida and all other
29 applicable ordinances of the County, or
30 revisions to the master plan as previously
31 approved by the Subdivision Committee.
32 Such action may include the imposition of
33 conditions to be met by the developer
34 prior to the recordation of the plat or
35 certified survey, or any other time set
36 by the Committee, when the Committee deems
37 such conditions necessary for the master
38 plan to ensure compliance with meet the
39 intent, purpose and/or criteria of this
40 ordinance. The authority to impose
41 conditions shall include, but is not
42 limited to, the right to require deeded
43 rights of way and easements, reservations
44 and other limitations or conditions of use
45 in order to secure the installation of the
46 required improvements and their main-
47 tenance as is necessary to carry out the
48 intent and purpose of this Ordinance.

49
50 (c) 3. Upon request of the County Engineer,
51 Review written applications to the Board
52 of Adjustment for variances from the terms
53 of this Ordinance and report their
54 findings and recommendations to the County

1 Engineer for forwarding to the Board of
2 Adjustment, recommend to the Board of
3 County Commissioners through the
4 administrator of this Ordinance, their
5 findings and recommendations. Such
6 variances shall not be granted if it has
7 the effect of nullifying the intent and
8 purpose of this Ordinance; however, the
9 recommendation of the Committee may
10 include the imposition of conditions to
11 be met by the developer.
12

13 (d) 4- Review and act on applications for
14 Special Exception Subdivisions exceptions
15 to this ordinance pursuant to Article
16 1008. Such authority shall include the
17 power to waive compliance with the
18 procedures of Articles 1012 through 1016
19 when the Subdivision Committee finds that
20 compliance with such procedures is
21 unnecessary due to the following reasons:
22

23 (1) the Subdivision Committee granted
24 both a plat waiver and a waiver for
25 all required improvements for the
26 property; or
27

28 (2) the Subdivision Committee granted
29 both a plat waiver and a waiver for
30 some of the required improvements
31 and the remaining improvements will
32 be met by one of the following
33 methods:
34

35 a) contribution of cash; or
36

37 b) construction of the required
38 improvements will occur at the time
39 of building construction and the
40 installation of such improvements
41 can be monitored as part of the
42 building permit process or other
43 County permitting process. Such
44 improvements include, but are not
45 limited to, drainage improvements
46 limited to lot grading, and instal-
47 tion of well and/or septic tank; or
48

49 c) a combination of a) and b)
50 above.
51

52 (e) 5- Review any and all restrictive
53 covenants for a subdivision or develop-
54 ment which comes before it., Special

Exception Subdivision, and townhouse subdivisions which are not part of a planned unit development.

(f) Require additional information or reviews deemed necessary for its consideration. Such information may include, but is not limited to, written and oral statements with respect to the nature, condition and maintenance responsibility of the streets, stormwater management facilities, or other required improvements, and reviews by other County and State agencies, and any information necessary to assure that the proposal would conform to the Comprehensive Plan or reduce the degree of non-conformity to the Comprehensive Plan.

(g) Upon determining the facts of each application, the Subdivision Committee shall also determine whether:

(1) the proposal would be in harmony and compatible with present and future development of the area as contemplated under the Comprehensive Plan, and

(2) the proposal makes adequate provisions for public requirements, including but not limited to, safe and convenient traffic and pedestrian circulation, access, stormwater management, utilities, water supply and wastewater disposal.

1009.1.4. ACTIONS ~~B-~~ The Subdivision Committee may approve an application upon a determination of fact that the proposal would be in harmony and compatible with the present and future development(s) of the area concerned, would be in accordance with the policies, goals and objectives of the Comprehensive Plan and implements the various development performance standards of the County. , makes adequate provisions for public requirements, including but not limited to, safe and convenient traffic control, access, drainage, utilities, water flowage and water supply. In approving an application, the Subdivision Committee may attach conditions it deems necessary to ensure the subdivision's consistency with such finding.

1 SECTION IV: ~~SUBDIVISION COMMITTEE~~

2
3 1009.1.5. MEETINGS OF THE SUBDIVISION COMMITTEE. The
4 Subdivision Committee shall meet on the first
5 and third Wednesday of each month, ~~to review~~
6 ~~preapplications, master plans or variance~~
7 ~~requests.~~ The Subdivision Committee meeting
8 shall be open to the public and/or any person,
9 ~~subdivider or owner~~ interested in any
10 ~~application before the Subdivision Committee~~
11 ~~preapplication, master plan, or variance~~
12 ~~request may attend any such meeting and present~~
13 ~~any appropriate matter thereat.~~
14

15 Upon receiving the approval for a subdivision as prescribed
16 in the "Standard Procedures" article for the preapplication and
17 master plan from the Subdivision Committee, the developer's
18 engineer and surveyor shall coordinate the preparation the
19 construction plans and preliminary plat directly with the Office
20 of the County Engineer. Upon approval of the commencement of
21 work, the developer's engineer shall coordinate the construction
22 of the required improvements directly with the Office of the County
23 Engineer as herein prescribed.
24

25 1009.1.6. COUNTY ATTORNEY DUTIES. The County Attorney
26 shall serve as legal counsel and parliamentarian to the Subdivision Committee.
27
28

29 1009.1.7. D. NOTICE OF MEETING. Upon receipt of the
30 statement, plan and fee official acceptance of
31 the application, the County Engineer's Office
32 shall ~~disperse~~ distribute copies to the members
33 of the Subdivision Committee and the County
34 Attorney's Office. The developer shall be
35 advised of the time and place of the Sub-
36 division Committee meeting at which his
37 application will be considered. Applications
38 under Article VI, Section II and Article VI,
39 Part A, shall be heard separately from preap-
40 plications for subdivision.
41

42 SECTION V: ~~INFORMATION, ADVICE OR RECOMMENDATIONS~~

43
44 ~~Information, advice or recommendations concerning the~~
45 ~~preapplication, master plan or Special Exception Subdivision other~~
46 ~~than procedural, shall not be given by individual members of the~~
47 ~~Subdivision Committee, but shall be rendered by the entire~~
48 ~~Subdivision Committee only at regular meetings. Procedural~~
49 ~~information shall be rendered by the administrator of this~~
50 ~~ordinance or his duly authorized representative.~~
51
52

1 SECTION VI+

2 1009.2. APPLICATIONS AND FEES

3
4 1009.2.1. A- Applications. The County Engineer shall,
5 as he deems necessary and from time to time,
6 promulgate application forms and procedures
7 for any review, inspection, waiver, exception,
8 permit, and variance procedure set out in or
9 made pursuant to this ordinance and any other
10 law, permit or procedure requiring the review
11 or approval of the County Engineer.

12
13 1009.2.2. B- Fees. The Board shall establish a schedule
14 of fees for all publications; applications;
15 advertising; reviews; procedures; and, any
16 other services or processes made pursuant to
17 this Ordinance. Any lack of provisions for a
18 fee in any Article, Section, Paragraph,
19 sentence, or clause shall not be construed as
20 a limitation on the authority of the Board to
21 adopt a related fee. Such fee schedule may be
22 adopted by resolution of the Board of County
23 Commissioners.

24
25 1009.2.3. C- Time of payment. All applications for
26 approvals and utilization of the procedures of
27 the County Engineer shall be accompanied by a
28 fee in the amount established by the Board
29 unless otherwise required by the County
30 Engineer.

PART XIV: Article 1010, Preliminary Subdivision Plan Procedure, of the Subdivision Regulations is created to read as follows:

1010. PRELIMINARY SUBDIVISION PLAN PROCEDURE.

1010.1. Professional Services Required. The developer shall retain the services of an engineer or surveyor registered in Florida, to prepare the subdivision plan (preliminary and final) and may employ a land planner, landscape architect, architect and other technical or professional service to assist in the design and layout of the subdivision plan. The subdivision plan shall be coordinated with the major utility suppliers involved with providing services.

1010.2. Purpose of Preliminary Subdivision Plan Review. The purpose of the preliminary subdivision plan review is to provide: (1) an optional forum for the review of preliminary subdivision plans and accompanying applications for a proposed subdivision to allow the developer and the Subdivision Committee the opportunity to consult informally prior to the preparation of the final subdivision plan; and (2) a mandatory forum for reviewing and acting on applications made under Article 1008 for plat waivers and for waivers to the required improvement installation provisions.

1010.3. Application Requirements. The developer shall submit a written application for preliminary subdivision plan approval in the form and number prescribed by the County Engineer. The application shall contain the information and data described in subsections 1010.3.1 and 1010.3.2.

1010.3.1. Statement Requirement of Preliminary Subdivision Plan. The preliminary subdivision plan application shall include a written statement generally describing the condition of the site and the proposed development of the entire subdivision, including, but not limited to the following information:

- (a) existing covenants;
- (b) location of utility facilities;
- (c) topography;
- (d) general soil characteristics;
- (e) information describing the subdivision proposal, including but not limited to number of units, typical lot size, public areas, anticipated utility source; and
- (f) any other information considered pertinent.

1
2 1010.3.2. Drawing Requirement of Preliminary Subdivision
3 Plan. The preliminary subdivision plan
4 application shall also include a drawing on a
5 sheet(s) no larger than twenty four (24) inches
6 by thirty six (36) inches, which clearly
7 depicts the following information:
8

- 9 (a) a vicinity sketch showing the location
10 of the land to be subdivided in reference
11 to other areas of the county;
12
13 (b) approximate acreage;
14
15 (c) natural features such as low or swampy
16 areas, streams, lakes or canals;
17
18 (d) identification and description of
19 adjacent lands; including but not limited
20 to the topography and natural features;
21
22 (e) a written description of the land to be
23 subdivided;
24
25 (f) name, telephone number and address of the
26 developer;
27
28 (g) date;
29
30 (h) north arrow;
31
32 (i) existing and proposed streets within the
33 property to be subdivided;
34
35 (j) general lot and block layout, including
36 typical lot dimensions;
37
38 (k) layout of all adjoining streets; includ-
39 ing but not limited to pavement and right
40 of way widths and median locations.
41
42 (l) zoning classification and Land Use Plan
43 classification of the tract and adjacent
44 properties;
45
46 (m) location of existing improvements; and
47
48 (n) any other significant features.
49
50
51

52
53 1010.3.3. Effect of Decisions on Applications for
54 Optional Review of Proposed Subdivision. In

1 the case of applications for a proposed
2 subdivision for which either a Certificate of
3 Concurrency Reservation or Concurrency
4 Exemption has been issued, after consultation
5 with the Subdivision Committee the developer
6 may proceed with the preparation and formal
7 application for approval of the final
8 subdivision plan as required by Article 1011
9 of this ordinance. In the case of applications
10 for a proposed subdivision development for
11 which a Conditional Certificate of Reservation
12 has been issued, the Subdivision Committee
13 shall make a recommendation on the proposed
14 developer's agreement and direct the County
15 Engineer to schedule the agreement for
16 consideration by the Board. The County
17 Engineer shall schedule the matter for final
18 subdivision plan review by the Subdivision
19 Committee at the meeting following the
20 scheduled Board's meeting in accordance with
21 the application deadline policy of the County
22 Engineer. The developer shall be notified of
23 these dates pursuant to Subsection 1009.1.6.
24 Upon approval of the developer's agreement, the
25 developer shall comply with all requirements
26 for the final subdivision plan Application
27 contained in Article 1011.

28
29 1010.3.4. Effect of Decisions on Applications for
30 Mandatory Review of Proposed Subdivision. In
31 the case of mandatory applications, the
32 developer shall proceed as follows:

33
34 (a) Applications for Exceptions to the
35 Platting Requirement. Upon approval of
36 an application for plat waiver, the
37 developer shall proceed to Construction
38 Plan Review under Article 1013 unless such
39 requirement has been waived under separate
40 application. Upon denial, the Developer
41 shall prepare a final Subdivision Plan as
42 required by Article 1011 of this
43 Ordinance.

44
45 (b) Applications for Exceptions to the
46 Installation of Required Improvements
47 Criteria. Upon approval of an application
48 for an Exception to the Installation of
49 Improvements Requirement, the developer
50 shall proceed to Preliminary Plat Review
51 under Article 1012, unless such
52 requirement has been waived under separate
53 application. Upon denial, the Developer
54 shall prepare construction plans and

construct the improvements as required by this Ordinance.

- (c) In the event the developer simultaneously applied for and received waivers from the platting and required improvement provisions of this ordinance pursuant to Article 1008 and compliance with Articles 1012 through 1016 have been waived by the Subdivision Committee pursuant to its power in Article 1009, the developer shall submit to the County Engineer the appropriate recordation fee and any documents required by the Subdivision Committee within thirty (30) days of the approval. Failure to comply with the required time shall void the approvals.

PART XVI: Article 1011, Final Subdivision Plan Procedure, of the Subdivision Regulations is created to read as follows:

1011. FINAL SUBDIVISION PLAN PROCEDURE

1011.1. Except as provided in Article 1005, Planned Developments, and Section 1008.2, Plat Waiver; Certified Survey, the developer of every proposed subdivision shall submit an application for Final Subdivision Plan approval. Such application shall be prepared in accordance with the requirements set forth herein. The application shall include, but not be limited to:

1011.1.1. CONCURRENCY REQUIREMENT. In order to be eligible to submit an application for final Subdivision Plan review, the development shall have obtained the following approvals in accordance with the Comprehensive plan and other plan or concurrency related ordinances of the County:

- (a) Certification for Density, and
- (b) Certification for Consistency with Plan and Code, and
- (c) a Concurrency Exemption, or
- (d) either a Certificate of Concurrency Reservation, or a developer's agreement approved by the Board and a Conditional Concurrency Reservation.

A copy of the above certificates or exemptions shall be attached to and made part of the application.

1011.1.2. Drawing Requirements: The final subdivision plan, shall be on a sheet not larger than 24" X 36", drawn to stated scale not smaller than 1" = 200'. If multiple sheets are necessary to depict the proposed project area in adequate detail, sheets shall be consecutively numbered with the total number of sheets indicated. Match lines shall be provided and clearly labeled to relate drawing segments, and an index map shall be provided relating the location of each sheet to the overall plan. The subdivision plan shall be considered a unified drawing containing all of the following information in pictorial, note, or tabular form as appropriate.

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- (a) Name of subdivision or identifying title which shall not duplicate or closely approximate the name of any other subdivision in the incorporated or unincorporated area of Palm Beach County.
 - (b) A vicinity sketch showing the location of the tract in reference to other areas of the County.
 - (c) North arrow, graphic scale, written scale and date.
 - (d) Name, address, and telephone number of the developer, along with the name and address of the engineer and surveyor responsible for the plan, plat and supporting data.
 - (e) The location and names of adjacent subdivisions, if any, and plat book and page reference.
 - (f) The tract boundary with bearings and distances along with a written description.
 - (g) Existing topographical conditions of the tract and of adjacent lands to a distance of one hundred (100) feet beyond the tract boundary or as otherwise determined by the County Engineer to adequately represent the patterns and characteristics or surface water flows into, upon, through and adjacent to the tract. Off-site topography shall extend to the full width of any streets adjacent to the parcel. Elevations shall be shown by contour lines of equal intervals not to exceed one (1) foot. Elevations shall be based on NGVD (1929), and at least one benchmark shall be located and referenced on the plan. All existing water courses, drainage ditches, water bodies, wetlands, excavations, and significant topographical features shall be delineated and identified.
 - (h) The location of all existing STREETS and ALLEYS on or adjacent to the tract including the STREET name, RIGHT OF WAY or tract width, pavement width and established centerline elevations at high

and low points. Existing STREETS shall be dimensioned to the tract boundary.

- (i) The location, purpose and effect on the proposed subdivision of all existing property lines, EASEMENTS and rights of way.
- (j) The location, purpose, and width of all proposed STREETS, ALLEYS, RIGHTS OF WAY, EASEMENTS and the proposed layout of the LOTS and BLOCKS.
- (k) The incorporation and development of affected present and future MAJOR STREETS pursuant to the policies, objectives and goals of the Traffic Circulation Element of the Comprehensive Plan.
- (l) STREET connections within the development and STREET connections to MAJOR STREETS showing their compliance to the ACCESS requirements established by this ordinance.
- (m) All existing South Florida Water Management District or Water Control District facilities and their ultimate right of way requirements as they affect the property to be subdivided.
- (n) General description of subsurface conditions on the property, plus location and results of tests made to ascertain subsurface soil conditions and ground water depth.
- (o) Zoning classification of the tract.
- (p) Utilities such as telephone, power, water, sewer, gas, etc. on or adjacent to the tract including existing or proposed water treatment plants and sewage treatment plants. The Subdivision Plan shall contain a statement that all utility services are available and have been coordinated with all required Utilities.
- (q) Sites proposed for parks, recreational areas, and schools.
- (r) The locations of all temporary structures or permanent structures having a temporary use (collectively, "temporary uses").

including mobile homes or trailers used for pro shops, real estate sales trailers, construction trailers and security trailers or other temporary use. Temporary uses shall comply with subsection 1003.2.1 prior to issuance of any permit.

1011.1.3. Internal Traffic Circulation Study. An internal traffic circulation analysis shall be submitted with each final subdivision plan application. This analysis shall be prepared by a professional engineering using the trip generation rates stated in the Fair Share Contribution for Road Improvement Ordinance 79-7, as amended from time to time, and shall include projected traffic splits for all internal streets. The internal traffic circulation analysis shall be used to determine the classification of streets, the number of lanes, the requirement for traffic lights and other traffic control devices, and the capacity of the street system proposed or affected by the development, as well as the phasing of improvements.

1011.1.4. Stormwater Management Plan. A preliminary stormwater management plan outlining the conceptual tertiary and secondary stormwater management facilities proposed for the proper development of the subdivision shall be submitted along with and considered to be part of the final subdivision plan. The preliminary stormwater management plan shall consist of an engineering drawing(s) and a written report including all pre-development information required for the final stormwater management plan pursuant to Section 1015.5 and indicating the proposed method of drainage, estimated design water elevations, one hundred year storm elevation, stormwater treatment and control methods, detention and management areas, and any other information pertaining to the control and management of storm and ground water. In cases where modification or improvements are neither planned nor required for tertiary and secondary facilities, this requirement may be satisfied by so indicating on the final subdivision plan.

1011.2. Resubmittals. A new final subdivision plan application shall be required for more than one resubmittal of a final subdivision plan required by the Subdivision Committee due to corrections or

1 revisions requested by it, or for any revision by
2 the developer.

3
4 1011.3. Effect of Decision. During consultation with the
5 developer, the Subdivision Committee shall inform
6 the developer that the plan and data as submitted
7 do or do not meet the provisions of this ordinance.
8

9
10 1011.3.1. Application Approved. When the Subdivision
11 Committee finds that the final subdivision plan
12 and required data meet the provisions of this
13 ordinance, the Subdivision Committee shall sign
14 the final subdivision plan indicating their
15 approval and authorize the developer to proceed
16 with the preparation of the construction plans
17 and preliminary plat as required by this
18 ordinance. The Subdivision Committee, upon
19 such findings, shall express their actions in
20 writing to the developer within seven (7) days,
21 and return to him a signed copy of the approved
22 final subdivision plan. Approval of the final
23 subdivision plan shall not be effective until
24 signed by the Subdivision Committee.

25
26 1011.3.2. Application Fails. When the Subdivision
27 Committee finds that the final subdivision plan
28 and required data do not meet the provisions
29 of this ordinance, it shall advise the
30 developer at the time of the meeting what
31 corrections or revisions are necessary to meet
32 the provisions of this ordinance and shall,
33 within seven working (7) days, express the
34 reasons in writing to the developer. Upon such
35 findings, the developer shall make the
36 corrections or revisions and resubmit the final
37 subdivision plan and required data to the
38 Office of the County Engineer. The Subdivision
39 Committee shall reschedule the matter for
40 review at the next regularly scheduled meeting
41 in accordance with established submittal
42 deadlines.

43
44 1011.4. Major Deviations to Final Subdivision Plan. Any
45 change to a final subdivision plan, however
46 approved, which would either increase or decrease
47 the number of units or would, in the opinion of the
48 County Engineer, cause a substantial change or
49 revision to the plat and construction plans of any
50 preliminary or final plat under review or approved
51 pursuant to this ordinance shall require a new
52 submittal and fee for such plat and construction
53 plans. Such determination shall deem as void any
54 affected plat and construction plans abandoned and
shall void any approvals issued for same pursuant

1 to this ordinance. Such determination shall be in
2 writing and forwarded within ten (10) days to the
3 Developer's Engineer, with a copy to the Zoning
4 Director if the determination was caused by a change
5 in a Final Master Land Use Plan or Site Development
6 Plan.
7

8 1011.5. Expiration of Final Subdivision Plan Approval.
9 Except as provided below, approval of a final sub-
10 division plan shall only be valid for a period of
11 two (2) years from the effective date. Provided,
12 however, that if the developer has commenced
13 development and is continuing development of the
14 subdivision in accordance with such approval and
15 pursuant to the terms of this ordinance, the final
16 subdivision plan shall remain valid for as long as
17 the subsequent approvals are effective.
18

19 1011.5.1. Expiration of Final Subdivision Plans for
20 Planned Developments. In the case of any
21 Planned Development which has had its Final
22 Master Land Use Plan or Site Development Plan,
23 as applicable, approved as the final
24 subdivision plan pursuant to Article 1005, such
25 final subdivision plan shall be valid for the
26 same time period set forth for the Final Master
27 Land Use Plan or Site Development Plan, as
28 applicable, pursuant to the Zoning Code.
29

30 1011.6. Extensions of Time. If, after review of an
31 application for an extension of time, the
32 Subdivision Committee finds that the developer could
33 not proceed with platting or construction of the
34 subdivision due to reasons beyond the developer's
35 control, the Subdivision Committee may grant an
36 extension in accordance with this subsection. Two
37 (2) extensions may be granted for a total period of
38 time not to exceed one (1) year from the original
39 expiration date. Each extension shall only be valid
40 for six (6) months and a new application must be
41 submitted and reviewed for each possible extension.
42 Provided, however, that any greater time granted
43 under the Zoning Code for a Planned Development
44 shall control.
45

PART XVII: Article 1012, Development Procedure, of the Subdivision Regulations is created to read as follows:

ARTICLE 1012. DEVELOPMENT PROCEDURE

1012.1. GENERAL APPLICATION OF DEVELOPMENT PROCEDURE. The procedures and time frames set forth in Articles 1013 and 1016 ("development procedure") shall apply to all developments required to file a plat, record a certified survey, or construct required improvements under the provisions of this ordinance.

1012.2. OUTLINE OF DEVELOPMENT PROCEDURE AND REQUIRED APPROVALS. The development procedure shall be commenced prior to the expiration of the final subdivision plan approval, as established in this ordinance, and all steps in the procedure must be completed within the required time frames in order for the applicable approval to remain valid.

1012.2.1. After approval of the final subdivision plan the Developer shall apply for technical compliance review. Technical compliance shall be issued prior to recordation of any plat/survey which has been granted a Required Improvement Waiver.

1012.2.2. After issuance of Technical Compliance, the Developer shall apply for Land Development Permit review which, if approved, results in issuance of a Land Development Permit. Issuance of the Land Development Permit authorizes commencement of construction, which shall be in accordance with the construction procedure and time frames contained in Articles 1015 and 1016.

1012.2.3. The next step in the development procedure is recordation of the plat or survey, as applicable. Recordation of the plat or survey authorizes sale of lots.

1 1013. TECHNICAL COMPLIANCE APPLICATION AND REVIEW.

2
3 1013.1. TECHNICAL COMPLIANCE APPLICATION SUBMITTAL. Prior
4 to the expiration of the final subdivision plan
5 approval and prior to the sale of lots and to
6 commencing construction, the developer shall have
7 prepared and shall submit to the County Engineer an
8 application for technical compliance review, which
9 shall be accompanied by required fee and the
10 required number as established by the County
11 Engineer, of the following documents and
12 information, as applicable to the development:

13
14 (a) PRELIMINARY PLAT. The preliminary plat in
15 compliance with the requirements of Section
16 2001.1.

17
18 (b) CERTIFIED SURVEY. Developments for which the
19 requirement to plat has been waived pursuant
20 to this ordinance shall submit the certified
21 survey in compliance with the requirements of
22 Article 2000.

23
24 (c) CONSTRUCTION PLANS AND SUPPLEMENTAL ENGINEERING
25 REPORTS. Except when the requirement for
26 installation of required improvements has been
27 waived pursuant to Article 1008 of this
28 ordinance, constructions plans for all the
29 required improvements shall be submitted for
30 each subdivision. Construction plans shall
31 comply with the requirements of Article 1015.

32
33 (d) SITE PLAN INFORMATION. Every technical
34 compliance application shall include the
35 following information about the site plan upon
36 which the submittal is based:

37
38 (a) date of approval by Site Plan Review
39 Committee

40 (b) exhibit number of Site Plan.

41
42 1013.2. REVIEW OF THE TECHNICAL COMPLIANCE SUBMITTAL. Within
43 thirty (30) days of receipt of a complete submittal,
44 the County Engineer shall review the submittal for
45 conformity with this ordinance and shall advise the
46 developer's engineer and developer of his findings
47 in writing.

48
49 1013.2.1. Submittal Fails to Meet Ordinance. When the
50 County Engineer determines that the technical
51 compliance application submittal does not meet
52 the provisions of this ordinance, the written
53 statement shall reference the specific article,
54 section and paragraph or policy with which the

1 submittal does not comply. Within sixty (60)
2 days of receipt of the comments letter, the
3 developer's engineer shall make the corrections
4 or revisions as defined in the comments letter
5 and shall resubmit the required documents and
6 information. Failure to resubmit within the
7 required timeframe shall be deemed an
8 abandonment of the submittal and any subsequent
9 submittal shall require a new technical
10 compliance application.

11
12 1013.2.2. Submittal Meets Ordinance. When the County
13 Engineer determines that the technical
14 compliance application submittal meets the
15 provisions of this ordinance, the submittal
16 shall be deemed to technically comply with the
17 provisions of the ordinance and a statement of
18 technical compliance shall be issued.

19
20 1013.3. TECHNICAL COMPLIANCE. The statement of technical
21 compliance ("technical compliance") shall be in
22 writing and furnished to the developer and the
23 developer's engineer. The statement shall contain
24 the following conditions and information:

- 25
26 (a) the name of the documents reviewed;
27
28 (b) the amount of surety for the construction of
29 required improvements, established in
30 accordance with Section 1014.1(f) of this
31 ordinance;
32
33 (c) the amount of recording fees due for
34 recordation of the final plat or certified
35 survey, which fees are payable to the Clerk of
36 the Circuit Court of Palm Beach County;
37
38 (d) a requirement to submit with the land
39 development permit application a copy of all
40 applicable property owners' association
41 documents; and
42
43 (e) any other conditions deemed necessary by the
44 County Engineer, which conditions shall be
45 fulfilled prior to plat or certified survey
46 recordation or completion of the required
47 improvements or at such other time determined
48 by the County Engineer. Such conditions shall
49 include, but not be limited to, submittal of
50 supplementary material deemed necessary by the
51 County Engineer, such as (but not limited to)
52 deeds, easements, covenants and other recorded
53 documentation for access, drainage, or utility
54 services, which service could not be

1 accomplished through dedications or
2 reservations on the plat.
3

4 1013.3.1. Effect of Technical Compliance. Approval for
5 technical compliance of the submittal is only
6 an expression of acceptance of the subdivision
7 layout as a guide to the preparation of the
8 final plat and shall not constitute acceptance
9 of the final plat. Technical Compliance shall
10 not be construed as authority for filing the
11 plat or certified survey, as applicable, with
12 the Clerk of the Circuit Court of the County,
13 nor as authority for the sale of lots with
14 reference thereto.
15

16 1013.3.2. Expiration of Technical Compliance. The
17 statement of Technical Compliance shall expire
18 (6) months after its date of issuance. Failure
19 to make a Land Development Permit Application
20 submission prior to the expiration of the
21 statement of Technical Compliance shall
22 constitute an abandonment of the technical
23 compliance application submittal and any
24 subsequent submittal shall require a new
25 technical compliance application.
26
27

1 PART XIX: Article 1014, Land Development Permit Application and
2 Review, of the Subdivision Regulations is created to read
3 as follows:
4

5 1014. LAND DEVELOPMENT PERMIT APPLICATION AND REVIEW.
6

7 1014.1. LAND DEVELOPMENT PERMIT APPLICATION SUBMITTAL.
8 Except when the installation of required
9 improvements has been waived pursuant to Article
10 1008, the final plat or certified survey, as
11 applicable, shall not be recorded until the
12 developer has either installed the improvements or
13 has guaranteed the installation of the improvements
14 pursuant to the requirements of Articles 1015 and
15 1016. As the final step in the review procedures
16 to obtain development approval under this ordinance,
17 the developer shall have prepared and shall submit,
18 prior to expiration of the Technical Compliance, an
19 application for Land Development Permit. The
20 application for Land Development Permit shall be
21 accompanied by the required fee and the required
22 number as determined by the County Engineer, of the
23 following documents as applicable to the
24 development:
25

26 (a) FINAL PLAT. Developments which are platting
27 shall submit the final plat complying with
28 Article 2001, and a check for the plat
29 recordation, payable to the Clerk of the
30 Circuit Court of Palm Beach County, in the
31 required amount.
32

33 (b) CERTIFIED SURVEY. Developments for which the
34 requirement to plat has been waived pursuant
35 to this ordinance shall submit a check payable
36 to the Clerk of the Circuit Court of Palm Beach
37 County for the recordation of the survey. When
38 construction plans are not required, the
39 certified survey may be recorded without
40 further review, provided, however, that the
41 County Engineer shall review any documents
42 submitted in compliance with (c) below.
43

44 (c) PROPERTY OWNERS ASSOCIATION AND OTHER
45 DOCUMENTS. A copy of the property owners
46 association documents and any other documents
47 required by the County Engineer as a condition
48 of Technical Compliance shall be submitted.
49 The property owners documents shall indicate
50 the maintenance responsibility for improvements
51 within the subdivision.
52

53 (d) CONSTRUCTION PLANS AND SUPPLEMENTAL ENGINEER-
54 ING INFORMATION. Construction plans shall

1 conform with the plans which received Technical
2 Compliance or, if modified, shall be
3 accompanied by a written statement of the
4 Developer's engineer which details and explains
5 the modifications. Construction plans shall
6 comply with the requirements of Article 1015,
7 and prior to issuance of a Land Development
8 Permit, shall have all applicable approvals of
9 requisite governmental agencies.

10
11 (e) CERTIFIED COST ESTIMATE. The developer's
12 engineer shall prepare and submit a certified
13 cost estimate, which shall include the cost of
14 installing all required improvements as
15 required by Section 2002. In the alternative,
16 the County Engineer may, at his sole
17 discretion, accept the contract price received
18 by the developer for the construction of the
19 required improvements.

20
21 (e) AGREEMENTS FOR CONSTRUCTION OF REQUIRED
22 IMPROVEMENTS. The application shall indicate
23 whether the required improvements are to be
24 constructed prior to recordation or after
25 recordation of the plat or survey, and the ap-
26 plicable agreements shall be attached, as
27 follows:

28
29 (1) When the required improvements are to be
30 constructed after recordation: a bonded
31 agreement for the construction of the
32 required improvements, executed in
33 triplicate, in the form approved pursuant
34 to Section 4000. The agreement shall
35 incorporate and have attached to it the
36 guarantee required by (f) below.

37
38 (2) When the required improvements are to be
39 constructed prior to recordation: an
40 agreement for the construction of the
41 required improvements prior to
42 recordation, executed in triplicate, in
43 the form approved pursuant to Section
44 4000.

45
46 (f) GUARANTEES ON CONSTRUCTION OF REQUIRED
47 IMPROVEMENTS. All guarantees shall be in one
48 of the forms prescribed in this ordinance or
49 in an alternate form approved pursuant to
50 Section 4000. The guarantee shall be in an
51 amount equal to one hundred ten percent (110%)
52 of the construction cost of the required
53 improvements. The guarantee shall be in one of
54 the following types:

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- (1) CASH BOND: The agreement may be secured by cash deposited by the developer with the County or in an account subject to the control of the County, and an agreement on such deposit or account. The developer shall be entitled to receive any interest earned on such deposit or account.
- (2) LETTER OF CREDIT: The agreement may be secured by an unconditional and irrevocable letter of credit issued to the County by a State of Florida or United States banking institution, in accordance with County policy. The expiration date of the letter of credit shall be at least three (3) months after the expiration date of the land development permit.
- (3) PERFORMANCE OR SURETY BOND: The Agreement may be secured by a performance or surety bond obtained from a company having a Best's rating acceptable to the County and guaranteeing that the all work will be completed in full accordance with the approved land development permit.
- (4) ESCROW DEPOSIT. The agreement may be secured by an executed Escrow Agreement, between the Developer and a bank, approved by the County, and requiring that release of the funds is subject to County approval.

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1014.2. The County Engineer shall examine the submittal for compliance with this ordinance. Within thirty (30) days of receipt of a complete submittal, the County Engineer shall review the submittal for conformity with this ordinance and shall advise the developer's engineer and developer of his findings in writing.

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1014.2.1. Submittal Fails to Meet Ordinance. When deficiencies exist, the County Engineer shall reference in writing the specific article, section and paragraph or policy with which the land development permit submittal does not comply. The developer shall correct such deficiencies within thirty (30) days of receipt of the written report. Failure to respond within the given time shall deem the submittal abandoned and any subsequent submittal shall require a new application and submittal for a Land Development Permit.

1
2 1014.2.2. Submittal Meets Ordinance; Land Development
3 Permit. When the land development permit
4 submittal meets the provisions of this
5 ordinance, the County Engineer shall, not later
6 than fifteen (15) days from such deter-
7 mination, schedule on the next available Board
8 agenda the agreement for construction of
9 required improvements, the land development
10 permit, and, when applicable, the plat for
11 approval by the Board.
12

13 1014.3. LAND DEVELOPMENT PERMIT. Except when installation
14 of the required improvements have been waived
15 pursuant to Article 1008 a land development permit
16 shall be required prior to commencement of
17 construction of any required improvement. The
18 effective date of the Land Development Permit shall
19 be the date the Board approves the agreement for
20 construction of required improvements. The Land
21 Development Permit shall expire twenty one (21)
22 months from the effective date, unless extended
23 pursuant to Section 1016.2.
24
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29

PART XX: Article 1015, Construction Plans and Supplemental Engineering Information, of the Subdivision Regulations is created to read as follows:

1015. CONSTRUCTION PLANS AND SUPPLEMENTAL ENGINEERING INFORMATION.

1015.1. DUTIES OF DEVELOPER'S ENGINEER. When the development is to be engineered by more than one firm, the developer shall appoint a single engineering firm or Florida registered professional engineer to coordinate the submission of the construction plans and construction of the required improvements.

1015.2. SUBMITTAL REQUIREMENTS. Construction plans and supplemental engineering information shall be submitted under separate cover for each of the categories of improvements listed in this section.

1015.2.1. SUBMITTALS FOR REQUIRED IMPROVEMENTS. The following construction plans shall be submitted for the required improvements set forth in Article 2002, when applicable. Construction plans shall be signed and sealed by a Florida registered professional engineer and shall be submitted in the number required by the County Engineer.

(a) Paving, grading and drainage:

(b) Bridges: for each required submittal;

(c) Water and sewer systems:

(1) for Technical Compliance submittal: the proposed plans submitted for Public Health Unit approval;

(2) for Land Development Permit submittal: construction plans stamped for technical compliance and having Public Health Unit approval.

1015.2.2. SUBMITTALS FOR OTHER IMPROVEMENTS. Construction plans shall be submitted for the following additional improvements which the developer may elect to construct:

(a) Landscaping, guardhouse, gates or other structures within STREETS: for each submittal, one (1) set for MINOR STREETS, and two (2) sets for MAJOR STREETS.

(b) Landscaping and bulkheads, docks and other structures in water management tracts or lake maintenance easements: See Section 1017.1.

1015.3. COMPLETENESS OF CONSTRUCTION PLANS. All construction plan submittals shall be so complete that from them a complete review and analysis can be made without research of any outside data. Design data, calculations and analyses shall also be submitted to address important features affecting design and construction and shall include, but not be limited to, those for design high water, drainage facilities of all kinds, subsurface soil data, alternate pavement and subgrade types, and radii at intersections when minimum standards of the Department of Transportation are inadequate.

1015.4. FORMAT AND CONTENT OF CONSTRUCTION PLANS FOR REQUIRED IMPROVEMENTS. All construction plan submittals for the installation of required improvements shall consist of and contain, but shall not be limited to, the following:

- (a) A cover sheet, including a vicinity sketch.
- (b) Typical sections.
- (c) Construction details showing compliance with county standards, or with any alternate design approved by the County Engineer pursuant to Section 1017.3.
- (d) Special profile sheets, if necessary, showing special or unique situations.
- (e) Bench mark, based on NGVD (1929) datum.
- (f) special conditions and specifications pertaining to the subdivision in note form on the construction plans, such as, but not limited to, the following:
 - (1) Required compliance to this ordinance, including, but not limited to, all notes, information, data and drawings required by the provisions of Chapter 2 Required Improvements.
 - (2) Where applicable, required compliance with state standards as currently adopted and in use.
 - (3) Minimum standards for materials.

1
2
3 (4) Test requirements for stabilization, base
4 and backfill.

5
6 (5) Required installation of subsurface
7 construction such as water lines, sewer
8 lines, public utilities, and storm
9 drainage prior to compaction of subgrade
10 for roadway construction.

11
12 (g) When parking areas are required to be
13 constructed by Section 2003.1.2, they shall be
14 depicted on the construction plans, and the
15 following information shall be clearly
16 indicated;

17
18 (1) designation of each clustered lot, and

19
20 (2) designation of each parking area serving
21 more than one clustered lot when such lots
22 do not abut a street.

23 1015.5.

24 FINAL STORMWATER MANAGEMENT PLAN: The Technical
25 Compliance Application shall include the final
26 stormwater management plan, based upon and
27 consistent with the preliminary Stormwater
28 Management Plan, in separate report form detailing
29 the design of all secondary and tertiary stormwa-
30 ter management facilities, including, as a minimum,
31 the following design data and information;

32
33 (a) Pre-development and post-development drainage
34 basin maps showing site topography, drainage
35 basins, catchment areas, and stormwater
36 inflow/outflow locations for the site;

37
38 (b) Pre-development and post-development site
39 characteristics affecting runoff such as ground
40 cover, soil profile, wet season mean high water
41 table elevations and recurring high water
42 elevations in receiving watercourses or
43 waterbodies;

44
45 (c) Individual catchment area characteristics used
46 for design, including area, times-of-
47 concentration, runoff factors, and breakdown
48 of pervious/impervious areas;

49
50 (d) A statement of applicable design and/or
51 performance assumptions and criteria for each
52 part of the system providing drainage,
53 treatment, or discharge control;

- 1 (e) Evidence of existing access to legal positive
2 outfall(s);
3
4 (f) Complete hydrologic and hydraulic calculations
5 for design of storm sewers, reten-
6 tion/detention area, and discharge structures;
7
8 (g) Identification of standard methods and/or
9 proprietary models used for hydrologic and
10 hydraulic analysis, noting that methods or
11 models other than those of the Department of
12 Transportation, South Florida Water Management
13 District, SCS, the Rational Method, the SBUH
14 Method, the Puls Method or common modifications
15 of such methods, may require additional
16 documentation;
17
18 (h) A listing of specific County and South Florida
19 Water Management District requirements used as
20 the design basis for street drainage, lot
21 grading, finished floor elevations, floodplain
22 storage compensation, retention/detention
23 volumes, and discharge limits.
24

25 1015.6. SOILS REPORT. The Technical Compliance Application
26 shall include a soils report describing soil
27 profiles of the work site to such depth and extent
28 necessary to determine special design and/or
29 construction needs. In lieu of items (d) and (e)
30 below, the Developer may submit as part of the
31 report a certified statement from a Florida
32 registered professional engineer that he has
33 investigated the subsurface conditions of the site
34 and has determined that such conditions are suitable
35 for the work as shown on the construction plans.
36 The soils report should include, but is not limited
37 to the following:
38

- 39 (a) A map, drawn to stated scale, showing boring,
40 penetrometer, and/or test pit locations;
41
42 (b) Results of each boring or other soil test,
43 keyed to the map;
44
45 (c) Soil profiles with horizons described according
46 to the USDA, ASTM, or Unified standard soils
47 classified system;
48
49 (d) Location and extent of muck, hardpan, marl, or
50 other deleterious materials which may require
51 special consideration in design and/or
52 construction; and
53

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(e) Groundwater conditions which may require
special consideration in design and/or
construction.

PART XXI: Article 1016, Construction of Required Improvements, is created to read as follows, and Articles XI, Construction of Required Improvements, and XII Acknowledgement of Completion and Maintenance of Required Improvements, all of the Subdivision Regulations are hereby transferred to said Article 1016, renumbered and amended to read as follows:

1016. CONSTRUCTION OF REQUIRED IMPROVEMENTS.

1016.1. DEVELOPER'S DUTY. Upon issuance of the Land Development Permit, the developer shall coordinate the construction with the County Engineer.

1016.2. TIME OF COMPLETION OF REQUIRED IMPROVEMENTS. All required improvements shall be completed within twenty-one (21) months from the date of issuance of the land development permit.

1016.2.1. A one (1) year time extension may be granted by the Board upon the recommendation of the County Engineer. The developer shall present a written application and statement of justification for extension to the County Engineer.

1016.2.2. COMPLETION PRIOR TO RECORDATION. When the developer elected to complete required improvements prior to recording of the final plat or certified survey, the following requirements shall apply:

(a) the signed, final plat or certified survey, as applicable, shall be recorded upon approval of the document by the County Engineer and acknowledgement of completion by the Board of the required improvements pursuant to Section 1016.5.

(b) When the County Engineer finds that the final plat or certified survey, as applicable, and completion of the required improvements is in compliance all requirements of this ordinance, he shall, as applicable, either schedule the final plat for the next available Board meeting and upon approval, the plat shall be filed in the Office of the Clerk of the Circuit Court, or cause the certified survey to be recorded in the Office of the Clerk of the Circuit Court.

1016.2.3. COMPLETION AFTER RECORDATION. When the developer elected to guarantee the construction of

1 the required improvements in order to complete
2 same after recordation, the following
3 requirements shall apply:
4

5 (a) REDUCTIONS IN AMOUNT: Reductions in the
6 amount of the guarantee may be approved
7 by the Board as follows:
8

9 (1) CASH DEPOSIT: The developer shall be entitled
10 to secure draws from such deposits or accounts
11 as installations progress at stages of
12 construction established by the County Engi-
13 neer, but not more frequently than monthly.
14 A draw from such cash deposit or account shall
15 be made only when the costs of required
16 improvements installed equal or exceed the
17 amount of the draw requested, plus any previous
18 draws made, and the County Engineer has
19 reviewed the required improvements and autho-
20 rized the draw. The County Engineer shall
21 have the right to reduce the amount of any
22 requested draw to an amount justified, based
23 on his review of the required improvements.
24 The County Engineer shall also have the right
25 to refuse to approve any requested draw, so
26 long as the developer fails to be in compliance
27 with any of the terms and conditions of the
28 plat or plans and specifications for the
29 required improvements.
30

31 (2) PERSONAL BOND WITH LETTER OF CREDIT: Semi-
32 annually during the process of construction
33 and upon request by the developer, the County
34 Engineer may recommend to the Board of County
35 Commissioners, for their approval, reduction
36 in the dollar amount of the bond on the basis
37 of work completed, provided, however, suffi-
38 cient funds shall remain to complete the
39 required improvements.
40

41 (3) SURETY BOND: Semiannually, except during the
42 process of construction and upon request by
43 the developer, the County Engineer may
44 recommend to the Board of County Commis-
45 sioners, for their approval, reduction in the
46 dollar amount of the bond on the basis of work
47 completed, provided, however, sufficient funds
48 shall remain to complete the required
49 improvements.
50

51 (4) ESCROW DEPOSIT: The release of funds from the
52 Escrow shall be upon the written approval of
53 the County, not more than once a month, and
54 upon the recommendation of the County Engineer

1 in amounts due for work done to date, based on
2 the percentage completion of the work
3 multiplied by the respective work costs, less
4 ten percent (10%) and, further, that upon
5 completion of the work, the County shall
6 approve the release to the developer, on the
7 recommendation of the County Engineer, of any
8 remainder to the developer.
9

10 (b) RELEASE OF GUARANTEE. The guarantee shall only
11 be released upon acknowledgement of completion
12 of the required improvements made pursuant to
13 Section 1016.5.
14

15 1016.3. COUNTY USE OF FUNDS; FAILURE OF DEVELOPER TO
16 COMPLETE. The County, after thirty (30) days
17 written notice to the developer, with a copy to the
18 agency issuing the guarantee, shall have the right
19 to any funds available under the guarantee to secure
20 satisfactory completion of the required improvements
21 in the event of default by the developer or failure
22 of the developer to complete such improvements
23 within the time required by this ordinance.
24

25 1016.4. ADMINISTRATION OF CONSTRUCTION. ARTICLE XI.
26 CONSTRUCTION OF REQUIRED IMPROVEMENTS.
27

28 1016.4.1. SECTION I. CONSTRUCTION METHODS STANDARDS.
29 Construction methods standards shall be those
30 prescribed in the current Palm Beach County
31 Construction Standards and Details and those
32 prescribed by the current Department of
33 Transportation Standard Specifications for Road
34 and Bridge Construction.
35

36 SECTION II. ADMINISTRATION OF CONSTRUCTION.
37

38 1016.4.2. INSPECTIONS, REPORTS, AND STOP WORK ORDERS.
39 ~~After approval of the final plat and sup-~~
40 ~~plementary material, a developer may construct~~
41 ~~the required improvements subject to obtaining~~
42 ~~all required permits.~~ The County Engineer
43 shall be notified in advance of the date of
44 commencement of such construction pursuant to
45 the Land Development Permit, and of such points
46 during the progress of construction for which
47 joint review by the County Engineer and
48 Developer's Engineer are required.
49

50 1016.4.2.1. Construction shall be performed under
51 the surveillance of, and shall at all
52 times be subject to, review by the
53 County Engineer; however, this in no
54 way shall relieve the developer and

1 ~~his the developer's engineer~~ of the
2 responsibility for ensuring close
3 field coordination and final com-
4 pliance with the approved plans,
5 specifications and the requirements
6 of this ordinance. ~~The developer~~
7 ~~shall employ a Florida registered~~
8 ~~engineer for complete administration~~
9 ~~of the construction of the required~~
10 ~~improvements.~~

11
12 1016.4.2.2.

13 The developer shall require progress
14 reports and ~~final certification~~ of
15 the construction of the required
16 improvements from ~~such engineer be~~
17 ~~filed with the county engineer the~~
18 ~~developer's engineer.~~ The County
19 Engineer shall have the right to
20 enter upon the property for the
21 purpose of reviewing the construction
22 of required improvement during the
23 progress of such construction. The
24 final certification shall be filed
25 with the County Engineer. The
26 developer's engineer shall may also
27 be required to submit construction
28 progress reports, directly to and at
29 points of progress prescribed by the
30 County Engineer. The developer's
31 engineer shall coordinate joint
32 reviews of the construction with the
33 County Engineer at points specified
34 by the County Engineer.

35 1016.4.2.3.

36 The County Engineer shall have the
37 right to enter upon the property for
38 the purpose of reviewing the
39 construction of required improvement
40 during the progress of such
41 construction. The County Engineer
42 shall have the authority to stop the
43 work upon failure of the developer
44 or his engineer to coordinate the
45 construction of the required
46 improvements as prescribed by this
47 ordinance.

48 1016.4.3. ~~SECTION III.~~ MEASUREMENTS AND TESTS. During
49 construction, the developer's engineer shall
50 make or cause to be made such measurements,
51 field tests and laboratory tests ~~or cause them~~
52 ~~to be made~~ necessary to certify that the work
53 and materials conform with the approved
54 development plans and the provisions of this

1 ordinance. The County Engineer may require,
2 at his discretion, specific types and locations
3 of tests and measurements which he deems
4 necessary to demonstrate conformance with
5 approved plans and specifications.
6

7 1016.4.4. SECTION IV. ENGINEER'S STATEMENT CERTIFICATE
8 OF COMPLETION. The required improvements shall
9 not be considered complete until an ~~engineer's~~
10 statement certificate of completion and the
11 final project records have been furnished to,
12 reviewed and approved by the County Engineer.
13 The ~~engineer's statement certificate~~ shall be
14 signed and sealed by the developer's engineer
15 and shall be in the following substantive form:
16

17 As a registered engineer in the
18 State of Florida, to the best of my
19 knowledge, information, and belief,
20 it is my professional opinion that
21 the subdivision required improve-
22 ments for [(Plat Name)] based on
23 field reviews under my responsible
24 charge, have been constructed in
25 substantial accordance with the
26 approved construction plans and the
27 Subdivision and Development Regula-
28 tions of Palm Beach County, Florida,
29 in effect on the date of plan
30 approval. Attached, as itemized
31 below, are copies of measurements,
32 tests and reports made on the work
33 and materials during the progress of
34 construction, along with a "Record
35 Drawing" copy of each of the
36 construction plans on a high
37 quality, time-stable, reproducible
38 mylar, showing the original design
39 in comparison to the actual finished
40 work with all material deviations
41 noted thereon. In my professional
42 opinion, the deviations, if any,
43 noted will not impair the intended
44 functioning of the required
45 improvement. Attachments to this
46 completion statement are as follows:
47
48

(Reports, measurements, tests, reproducible mylars and drawings shall be included.)

DATED: _____

(Developer's Engineer)

Address: _____

Phone: _____
(Date)

1016.5. ~~ARTICLE XII:~~ ACCEPTANCE ACKNOWLEDGMENT OF
COMPLETION AND MAINTENANCE OF REQUIRED IMPROVE-
MENTS

1016.5.1. ~~SECTION I:~~ WORKMANSHIP AND MATERIAL AGREE-
MENT. The developer shall execute an
agreement guaranteeing the required improve-
ments against defect in workmanship and
material for one year after acceptance of such
improvements acknowledgment of completion by
the Board of County Commissioners. Said
agreement shall be submitted to the County
Engineer along with the completion
certificate, and project records.

1016.5.2. ~~SECTION II:~~ ACCEPTANCE OF DEDICATION AND
MAINTENANCE OF IMPROVEMENTS. The acceptance
of any dedication to the Board of public
space, parks, rights of way, easements or the
like on the plat shall be by resolution of the
Board and shall not constitute an acceptance
of the ~~dedication~~ responsibility to maintain
or improve the improvements by the County.
Acceptance of the maintenance responsibility
for dedications to the County shall be made by
resolution of the Board.

1016.5.2.1. Acceptance of Dedications. The
resolution accepting dedications to
the Board shall be adopted at the
time of approving the recordation of
the final plat.

1016.5.2.2. Acceptance of Maintenance By Board.
The resolution accepting the

responsibility to maintain and improve the improvements dedicated and accepted by the Board ~~acceptance of the dedication shall be indicated by a resolution of the Board of County Commissioners~~ adopted at such time as all improvements meet or exceed the standards set forth by this ordinance. The County Engineer upon satisfactory completion and receipt of the agreement shall certify that the developer has complied with all of the provisions of this ordinance and shall recommend to the Board of County Commissioners the acceptance of the dedications and, when applicable, the maintenance of the required improvements. ~~Upon such recommendations the Board, by resolution, shall approve the subdivision, the dedications on the plat and the maintenance responsibilities of the required improvements.~~

1016.5.3. ~~SECTION III:~~ COUNTY COMPLETION OF REQUIRED IMPROVEMENTS IN RECORDED SUBDIVISIONS. The County shall complete the required improvements, under the guarantees provided by the developer, ~~when a plat has been recorded and the developer fails to complete the required improvements as required by this ordinance, the Board of County Commissioners shall complete the required improvements under the guarantees provided by the developer.~~ In such case, the Board of County Commissioners shall direct the County Engineer to call upon the guarantees to secure satisfactory completion of the required improvements. Notice of said call shall be deemed upon posting via certified mail. Upon the completion of such action, the County Engineer shall report to the Board and the Board shall accept by resolution the dedication and maintenance responsibility as indicated on the plat. In such cases, the remaining guarantees posted by the developer shall be retained for a period of one year after completion in lieu of the agreement. Any defects occurring during this period shall be repaired using funds remaining in the guarantee.

1016.5.4. ~~SECTION IV~~ DEVELOPER'S FAILURE TO COMPLETE
IMPROVEMENTS IN UNRECORDED SUBDIVISIONS.

Where a developer has elected to install the required improvements prior to recordation of the plat and fails to complete such improvements within the time limitations of this ordinance, all approvals of the subdivision shall be null and void and the land shall revert to its original state. No reference shall be made to the plat with respect to the sale of lots, issuance of building permits, unless and until the plat has been resubmitted with all of the supplementary material and approvals as herein prescribed have been granted.

PART XXIII: Article 1017, Supplemental Procedures, is hereby created to read as follows and Article XV, Dredge, Fill and Grading, all of the Subdivision Regulations is hereby transferred to said Article 1017, renumbered and amended to read as follows:

ARTICLE 1017. SUPPLEMENTAL PROCEDURES.

1017.1. CONSTRUCTION AND LANDSCAPING IN LAKE MAINTENANCE EASEMENTS AND WATER MANAGEMENT TRACTS

1017.1.1. DECLARATION OF INTENT. It is the purpose of this Section 1017.1 to allow for the construction or placement of structures and plants adjacent to, or over, water bodies within water management tracts; while, taking measures to ensure that adequate water quality and drainage will exist so as not to constitute a nuisance or be otherwise detrimental to the health, safety, general welfare, or convenience of the general public, or the persons responsible for, or affected by, a water body or water management tract.

1017.1.2. SPECIAL DEFINITIONS. Except as specifically defined in this Section 1017.1, All terms and phrases in this Section 1017.1 shall have the meanings set forth in Article 1002 and, for purposes of this Section 1017.1, the following terms shall also apply:

BULKHEADS - structures of concrete, wood, or other permanent material affixed to the land adjacent to a water management tract or other water body for the purpose of establishing a vertical surface at the waters edge and stabilizing the land behind the bulkhead. Provided water control structures and endwalls around outfalls and bridges shall not be considered bulkheads.

COMPENSATORY LITTORAL ZONE OR AREA - that underwater area within the water management tract or water body graded and planted in accordance with this Section VI as compensating for lost littoral zones from bulkheading or shading from structures over the water.

DECKS, DOCKS, PIERS - structures of concrete, wood or other permanent material affixed to the land, generally designed for pedestrian travel.

1
2 LAKE FINGER - that portion of a deadend water
3 body which is less than fifty (50) feet in
4 width and longer than one and one-half (1 1/2)
5 times its width, as measured from the point at
6 which the deadend water body is less than
7 fifty (50) feet wide; provided, however, if
8 said described portion of the deadend water
9 body opens up to more than seventy five (75)
10 feet wide and has a surface area of more than
11 seventy-five one hundredths of an acre (0.75
12 ac.) between the points at which it is fifty
13 (50) feet wide or greater, said described
14 deadend water body shall not be considered a
15 lake finger if it is within two hundred fifty
16 (250) feet of the lake of at least one (1)
17 acre and one hundred (100) feet wide.

18
19 LANDSCAPE ARCHITECT - an individual regulated
20 by, and in compliance with, Florida Statutes
21 Chapter 481, Part II.

22
23 SHRUB - a self-supporting woody perennial
24 plant more than thirty (30) inches in height
25 at maturity, characterized by multiple stems
26 and branches continuous from the base. It
27 shall not include trees.

28
29 TREE - a self-supporting woody plant of a
30 species normally growing to a mature height of
31 at least fifteen (15) feet in Palm Beach
32 County.

33
34 1017.1.3. PERMIT REQUIRED. The placement or
35 construction of trees, shrubs, or structures
36 within any water management tract established
37 for purposes of wet detention/retention in an
38 open water body, or easement or berm adjacent
39 thereto established for purposes of
40 maintenance of the water body or water
41 management tract or structures and facilities
42 therein, is hereby prohibited, except in
43 strict conformance with the provisions of this
44 Section 1017.1

45
46 1017.1.4. APPLICATION REQUIREMENTS. Persons desiring to
47 construct bulkheads, docks, piers or other
48 structures within or along water management
49 tracts or within lake maintenance easements,
50 shall apply to the County Engineer on the form
51 required by the County Engineer. Such
52 application may be pursued independent of
53 other applications, or may be part of an
54 application for technical compliance or land

development permit approval pursuant to this ordinance.

1017.1.5. AUTHORITY OF COUNTY ENGINEER. The County Engineer shall apply the standards set forth herein to approve the placement of trees or shrubs or construction or placement of structures within water management tracts or lake maintenance easements. The County Engineer shall ensure that adequate conditions are imposed, and appropriate documents are executed and, if appropriate, recorded to ensure compliance with the provisions of this Section 1017.1 and approvals granted pursuant to this Ordinance.

1017.1.6. BULKHEADS. The following criteria shall apply to bulkheads:

- (a) Bulkheads may be constructed only on lakes having a surface area at the controlled water level of one (1) acre or more, and with an average minimum width of one hundred (100) feet lake fingers shall be excluded from the calculation of the lake size and dimensions.
- (b) Bulkheads may not be placed along not more than thirty percent (30%) of the perimeter of the lake as measured at the controlled water elevation. The bulkhead shall be constructed along the property line so as to establish building setbacks from the bulkhead. The perimeter and surface area of lake fingers shall not be included in calculating the perimeter and area. Bulkheads shall not be permitted within the lake finger. Bulkheads may be constructed on channels between lakes, provided the compensatory littoral area is located in the adjoining lakes and in close proximity to the bulkheaded channel. No outfalls may be permitted through bulkheads unless the water area adjacent to the bulkhead is at least fifty (50) feet wide. All shorelines of the lake shall be included in establishing the perimeter length.
- (c) The bulkhead shall be designed and constructed in accordance with and pursuant to all applicable laws, statutes, ordinances, codes, rules,

1 regulations, and approvals. All required
2 permits shall be obtained. In the event
3 other requirements are more stringent,
4 those requirements shall prevail.
5

- 6 (d) Bulkheading shall not be permitted where
7 the subject water body or water
8 management tract is not being
9 comprehensively designed to allow for
10 bulkheading, compensatory littoral zones,
11 and lake maintenance easements, all in
12 accordance with the standards of this
13 subsection 1017.1. If an existing
14 development has a property owners'
15 association, appropriate approvals shall
16 be obtained.
17

18 1017.1.7. DECKS, DOCKS, PIERS. The following criteria
19 shall apply to the construction and
20 maintenance of decks, docks, and piers.
21

- 22 (a) Decks, docks, piers or other structures
23 shading the water may be placed in, on,
24 or over the water management tract or
25 lake maintenance easement, but shall not,
26 in the aggregate, cover more than one and
27 one-half percent (1.5%) of the water
28 surface of the lake at the controlled
29 water level. The perimeter and surface
30 area of lake fingers shall not be
31 included in calculating the perimeter and
32 area. All shorelines of the lake shall
33 be included in establishing the perimeter
34 length.
35
36 (b) Decks, docks, piers or other structures
37 shall not be placed in, on, or over lakes
38 having less than one (1) acre of surface
39 area as measured at the controlled water
40 level. Lake fingers shall be excluded
41 from the calculation of the lake size and
42 dimensions.
43
44 (c) Decks, docks, piers or other structures
45 shall be designed and constructed in
46 accordance with and pursuant to all
47 applicable codes, rules, regulations, and
48 approvals. All required permits shall be
49 obtained. In the event other
50 requirements are more stringent, those
51 requirements shall prevail.
52
53 (d) Decks, docks, and piers shall not be
54 permitted where the subject water body or

1 water management tract is not being
2 comprehensively designed to allow for
3 docks, decks, piers, or other structures,
4 compensatory littoral zones, and lake
5 maintenance easements, all in accordance
6 with the standards of this Section
7 1017.1. If an existing development has
8 a property owners' association,
9 appropriate approvals shall be obtained.

- 10
11 (e) "No Swimming Or Diving" signs shall be
12 posted by the property owner.
13

14 1017.1.8. STRUCTURES OR PLANTINGS. This subsection may
15 be utilized for structures and plants that may
16 be easily removed. It shall be utilized to
17 allow the installation of structures in, on,
18 or over lake maintenance easements, water
19 management tracts, or water bodies and which
20 will be removed at the expense of the property
21 owner when necessary to accommodate the use of
22 the lake maintenance easement, water
23 management tract, or water body. The
24 following criteria shall apply to the
25 installation of structures and plantings made
26 pursuant to this Section.
27

- 28 (a) No structures, except as may be easily
29 removed, shall be permitted in the lake
30 maintenance easement. Examples of imper-
31 missible structures are houses, garages,
32 concrete block walls, concrete decks,
33 affixed permanent sheds, and pools.
34 Examples of permissible structures are
35 thatch sheds, wood decks, and non-
36 concrete fences.
37

- 38 (b) Trees or shrubs shall not be planted, nor
39 structures placed, in the lake
40 maintenance easement where the planting
41 or placement of such would obstruct
42 access by equipment to outfalls or water
43 control structures.
44

- 45 (c) A removal declaration in a form
46 acceptable to the County Attorney's
47 Office shall be recorded, at the expense
48 of the property owner.
49

- 50 (d) The property owners' association's
51 consent to the specific structures(s),
52 tree(s), or shrub(s) shall be required
53 where a property owners' association has
54 the lake maintenance responsibility. If

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any other entity has an interest in the
easement or a responsibility for lake
maintenance, that entity's consent shall
be required.

(e) Trees or shrubs planted pursuant to this
subsection shall be those species
permitted in the Palm Beach County
Landscape Code.

1017.1.9. COMPENSATORY LITTORAL ZONE. For each lineal
foot of bulkhead as measured at the controlled
water level sixteen (16) square feet
compensatory littoral zone shall be provided
in the same lake. For each square foot of
surface area covered by a deck, dock, pier, or
other similar structure as measured at the
controlled water level, two (2) square feet of
compensatory littoral area shall be
established in the same lake; provided, on
lakes of two (2) acres or less, a deck, dock,
pier or other similar structure with a total
area over the water not exceeding fifteen one
hundredths of a percent (0.15%) may be
permitted without a compensatory littoral
zone. On lakes of two (2) acres or more,
decks, docks, piers or other similar
structures with a total area over the water
not exceeding one hundred thirty (130) square
feet may be permitted without a compensatory
littoral zone. The lineal distance of the
littoral area shall be measured at the con-
trolled water level. The maximum depth of the
compensatory littoral area measured at the
controlled water level shall be no more than
two (2) feet. No drainage outfalls shall be
placed so as to discharge within compensatory
littoral areas. The compensatory littoral
area shall be planted with species of plants
and in accordance with the design, plans and
specifications, and planting method approved
by the County Engineer. Said planting shall
not be done until the construction of all
structures within the water management tract
and drainage easements associated therewith,
and the final grading of the water management
tract and the adjacent area draining directly
into the water management tract is complete.

1017.1.9.1. PLANTING PROCEDURE AND PLANS. The
approval of the County Engineer
shall be received prior to planting.
Plans shall be submitted to the
County Engineer at the time of final

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subdivision plan approval or, if no subdivision master plan approval is required; at the time of the submission of the preliminary plat; or, if none is involved, prior to commencement of construction, regrading, or modification. The plans shall detail the species of plants to be used, the location and dimensions of the compensatory littoral area, the location and dimensions of the structures(s) for which the compensatory littoral area is required, the method of planting and ensuring survival of the plants, and other reasonable matters required by the County Engineer.

1017.1.9.2.

PLANS. The design and species shall be such that the plants as shown on the plans have an anticipated survival rate of at least eighty percent (80%) at the end of one year after plantings. The signator of the plans and specifications shall have a personal familiarity with the site and soil conditions based upon a field review. The plans approved by the County Engineer shall be signed and sealed by either: (1) a Landscape Architect; or (2) other appropriate professional licensed by the Department of Professional Regulation who has a demonstrated expertise in the field of aquatic biology. After review and approval by the County Engineer of the plans, the County Engineer shall issue a permit.

1017.1.9.3.

LIST OF PLANTS. The County Engineer, upon the advice of professionals having expertise in the area of aquatic botany, shall maintain a list of acceptable species of plants for use in compensatory littoral zones, and the percentages of use, the locations of use, and any special circumstances or conditions related to such. The list may be amended for general application as more information becomes available. The list shall be open for public inspection and distribution at the

1 Land Development Division of the County Engineer's
2 Office.
3
4

5 1017.1.9.4. PERFORMANCE SECURITY. Upon completion of
6 planting, and concurrently with the submittal
7 of the certifications and as-built set
8 drawing forth in Paragraphs 1017.1.9.5 and
9 1017.1.9.6 the Developer shall submit
10 performance security with a term of fifteen
11 (15) months from the date of the planting
12 certification. It shall be in the amount of
13 one hundred percent (100%) of the estimated
14 cost of regrading, and replanting, as
15 approved by the County Engineer. The form
16 and terms of the performance security shall
17 be approved by the County Attorney's Office.
18 At a minimum, the performance security shall
19 guarantee at least an eighty percent (80%)
20 survival rate at the end of one (1) year
21 after the planting certification, as set
22 forth below, and shall be subject to being
23 levied against by the County Engineer if
24 such survival rate has not occurred. It shall
25 be a separate document from that performance
26 security required to ensure construction of
27 other required improvements.
28

29 1017.1.9.5. PLANTING CERTIFICATION. The individual
30 certifying the plans and specifications as
31 set forth above, or, if not reasonably
32 available, a Landscape Architect, or other
33 appropriate professional with expertise in
34 the field of aquatic botany and regulated by
35 the Department of Professional Regulation,
36 shall certify to the Director of Land
37 Development, as follows:

1 The undersigned
2 personally conducted
3 on _____, 19
4 _____, a field
5 inspection and
6 reviewed the plans
7 and specifications,
8 and, based upon such
9 inspection and
10 review, the
11 installation of the
12 aquatic plants is
13 substantially in
14 accordance with the
15 Code and the plans
16 and specifications.
17

18 1017.1.9.6.

19 RECORD DRAWINGS: Record drawings
20 shall be submitted with the planting
21 certification certifying the
22 configuration of cross sections of
23 the compensatory littoral zone at
24 intervals not greater than fifty
25 (50) feet.

26 1017.1.9.7.

27 SIX MONTH SURVIVABILITY REPORT. The
28 individual certifying the plans and
29 specifications as set forth above,
30 or, if not reasonably available, a
31 Landscape Architect, or other
32 appropriate professional with
33 expertise in the field of aquatic
34 botany and regulated by the
35 Department of Professional
36 Regulation, shall submit to the Palm
37 Beach County Department of
38 Environmental Resources Management
39 a survivability report setting forth
40 the percentage of survival of each
41 species. The report shall be set
42 forth conditions existing at six (6)
43 months after the initial
44 certification. It shall be
45 submitted no later than the seventh
46 (7th) month following the initial
47 certification.

48 1017.1.9.8.

49 INSPECTION TO RELEASE PERFORMANCE
50 SECURITY. Twelve (12) months after
51 the date of the certification set
52 forth in paragraph 1017.1.10.5.
53 above the Palm Beach County
54 Department of Environmental
Resources Management shall, upon the

1 written request of the Developer,
2 conduct an inspection to determine
3 if the compensatory littoral zone is
4 in accordance with the plans and
5 specifications and the required
6 survival percentage, as set forth in
7 this Section 1017.1, has been
8 achieved. The performance security
9 shall be released only after the
10 Department of Environmental
11 Resources Management has approved
12 the release in writing, or if the
13 Department of Environmental
14 Resources Management has not
15 responded within thirty (30) days
16 after receipt of the written request
17 for inspection. If no written
18 request for inspection is made to
19 the Department of Environmental
20 Resources Management within thirteen
21 (13) months after the planting
22 certification set forth below, the
23 performance security shall be drawn
24 upon. If an inspection by the
25 Department of Environmental
26 Resources Management reveals an
27 unacceptable survival rate, the
28 Department of Environmental
29 Resources Management shall notify
30 the Developer and County Engineer,
31 and the performance security shall
32 be drawn upon by the County
33 Engineer. Written notice of such
34 shall be sent to the Developer from
35 the County Engineer. If provisions
36 are made and approved by the County
37 Engineer and the Department of
38 Environmental Resources Management
39 to ensure replanting and
40 survivability in accordance with the
41 specifications of this Section, the
42 County Engineer need not draw the
43 funds. Upon failure of the
44 Developer to comply with the
45 provisions, the County Engineer,
46 upon the advice of the Department of
47 Environmental Resources Management,
48 shall notify the Developer and draw
49 upon the performance security.

50
51 1017.1.9.9.

LITTORAL AREA OF RECORD. The
52 compensatory littoral area shall be
53 graphically or verbally identified
54 on the plat or, if the plat is

1 already recorded, by separate
2 instrument to be recorded, and be
3 specifically and separately
4 dedicated to the property owners
5 association as its perpetual
6 maintenance responsibility, without
7 recourse to Palm Beach County or
8 other governmental entity or agency.
9 The plat, or instrument shall
10 provide that the compensatory
11 littoral area shall exist from the
12 edge of the controlled water level,
13 as it changes, to a depth of not
14 more than two (2) feet and with
15 sufficient square footage to comply
16 with the provisions of this Section.
17 The property owners association is
18 hereby deemed to have accepted such
19 maintenance responsibility. The
20 plat, property owners association
21 documents, or other instrument of
22 record shall contain the following
23 statement:

24
25 It is a punishable
26 violation of Palm
27 Beach County Laws,
28 Ordinances, Codes,
29 Regulations and ap-
30 provals to alter the
31 approved slopes, con-
32 tours or cross sec-
33 tions, or to chem-
34 ically or manually
35 remove, damage, des-
36 troy, cut or trim any
37 plants in the compen-
38 satory littoral zone
39 in the water manage-
40 ment tract except
41 upon the approval of
42 the Palm Beach County
43 Department of Envi-
44 ronmental Resources
45 Management. It is
46 the responsibility of
47 the property owners
48 association to main-
49 tain the compensatory
50 littoral zones.

51
52 1017.1.10.

53 VIOLATIONS, ENFORCEMENT, PENALTIES. It
54 shall be a violation of this Ordinance to
alter the approved slopes, contours or

1 cross-sections or to chemically or
2 manually remove, damage, destroy, cut, or
3 trim any plants in the compensatory
4 littoral zones except upon the approval
5 of the Palm Beach County Department of
6 Environmental Resources Management.

7
8 1017.1.10.1. Said violations shall constitute a
9 violation of the Palm Beach County
10 Environmental Control Act, Chapter
11 77-616, Special Acts, Laws of
12 Florida, as amended from time to
13 time, and shall be subject to the
14 enforcement and penalty provisions
15 of that Act and of the Palm Beach
16 County Environmental Control
17 Ordinance No. 78-5, as amended.

18
19 1017.1.11. REPAIR, RECONSTRUCTION MODIFICATION. Any
20 repair, reconstruction, or modification,
21 except ordinary maintenance, to the water
22 management tract, lake maintenance
23 easement, compensatory littoral zone, or
24 any planting or structure approved
25 pursuant to this Section 1017.1, shall be
26 done only after being approved pursuant
27 to this Section.

28
29 1017.2. ARTICLE ~~XV~~ DREDGE, FILL AND CONSTRUCTION
30 EXCAVATION IN WATER OF THE STATE

31
32 1017.2.1. ~~SECTION I~~ SCOPE. When a developer designs a
33 subdivision with waterfront property adjacent
34 to existing or proposed waters of the state,
35 including canals, watercourses, lakes,
36 streams, and wetlands drainage ways or
37 channels, such subdivision shall comply and
38 conform to the requirements of this article
39 section 1017.2.

40
41 1017.2.2. ~~SECTION II~~ EASEMENTS OR RIGHTS OF WAY. Where
42 a proposed subdivision is adjacent to existing
43 or proposed waters of the State, canals,
44 watercourses, lakes, streams, drainage ways or
45 channels, there shall be provided a floodway
46 or floodplain storm water easement or a
47 drainage right of way conforming substantially
48 with the lines of such watercourse or water
49 body and of such further width or construction
50 or both as will be adequate for the purpose.
51 Additional easement or of way width may be
52 required where necessary for maintenance,
53 safety and convenience. Each required
54 easement and right-of-way shall be deeded or

dedicated to the public or to the appropriate water control district. Maintenance responsibility and use limitations applicable to said easements and rights of way, or any facilities placed therein, shall be in accordance with all applicable permit conditions and shall be stated or referenced by note on the appropriate plat(s).

1017.2.3. SECTION—III: DESIGN. Where canals, watercourses, lakes, streams, drainage ways or channels are adjacent to or exist upon the property to be subdivided, they shall retain natural characteristics or be so designed and protected that they do not present a hazard to life and safety. Except where bulkheads, retaining walls, or armored revetments are permitted and constructed, access waterways serving proposed in conjunction with the subdivision shall have a side-slope no steeper than 4(H):1(V) minimum water depth of six (6) feet for a continuous bottom width of twenty (20) feet. Where seawalls, bulkheads or retainage walls are not required, the design shall incorporate a minimum of a 4:1 slope from existing ground to a depth of six (6) feet below the annual mean water surface elevation or, in tidal waters, to a depth of two (2) feet below mean low water.

1017.2.4. SECTION IV: PERMITS.

A. ~~When a developer designs a subdivision with waterfront property adjacent to existing or proposed canals, watercourses, lakes, streams, drainage ways or channels, before any work may be done to modify existing lands, or to develop, alter or change such watercourses, construction plans shall be prepared in accordance with the provisions of this ordinance. The construction plans shall be submitted to the county engineer for the issuance of a dredge, fill or excavation permit. Prior to the issuance of such a permit, the plans shall be approved by the Environmental Control Officer, the County Engineer and the Planning, Zoning and Building Department.~~

B. ~~No person, firm, corporation, or any other association shall alter, reroute, deepen, widen or change in any way, any existing ditch, canal, drain, or drainage system without first obtaining a written permit from the County Engineer. Construction plans for such work shall be submitted to the County~~

1 ~~Engineer for the issuance of a dredge, fill or~~
2 ~~excavation permit. Prior to the issuance of~~
3 ~~such a permit, the plans shall be approved by~~
4 ~~the Environmental Control Officer, the County~~
5 ~~Engineer and the Planning, Zoning and Building~~
6 ~~Department.~~

7
8 e. Where proposed the dredge or fill or
9 ~~construction an excavation permit~~ affects
10 public property or sovereign land, the
11 construction plans ~~required by paragraphs A~~
12 ~~and B of this section shall, prior to issuance~~
13 ~~of permit, shall~~ be approved by the governing
14 agency having control over public property or
15 sovereign lands. This requirements shall
16 include the Board of Trustees of the Internal
17 Improvement Fund, Corps of Engineers,
18 Department of Natural Resources or any other
19 public agency having jurisdiction in such
20 matters.

21
22 ~~D. Prior to the construction or alteration of~~
23 ~~watercourses, as prescribed in paragraphs A~~
24 ~~and B of this section, right of way required~~
25 ~~for such work must be appropriately dedicated.~~
26 ~~Where such construction or alteration affects~~
27 ~~a governmental water control district, the~~
28 ~~dedication, deed or easement shall be to such~~
29 ~~agency.~~

30 SECTION V: ~~SEAWALLS, BULKHEADS, DOCKS AND PIERS~~

31 Prior to the construction of any seawalls,
32 bulkheads, dock or pier, a construction permit
33 shall be obtained from the Palm Beach County
34 Building Department in addition to all
35 required permits or expressed exemption from
36 permitting for construction in waters of the
37 State.

38
39 1017.2.5. SECTION VI: DEDICATION, AND MAINTENANCE Where
40 canals, watercourses, lakes, streams, drainage
41 ways or channels are proposed or exist upon
42 the property to be subdivided, they shall be
43 identified, dedicated and maintenance
44 obligations defined on the plat.

45 A. ~~Dedication.~~ Where public rights for drainage
46 purposes are proposed within a waterway, the
47 easement shall be dedicated to the public, and
48 the remainder of the waterway shall be
49 dedicated reserved to a property owners'
50 association or reserved for the use of the
51 residents of a subdivision when the
52 subdivision is developed as a condominium or
53 cooperative development as defined by Florida
54 Law, or in lieu of the foregoing, the waterway

1 in its entirety may be dedicated to a legally
2 constituted drainage district.
3

4 1017.2.6. ~~B.~~ MAINTENANCE. Rights of way or easements
5 for canals, watercourses, lakes, streams,
6 channels, or other water management areas
7 shall be dedicated to the public, a drainage
8 control district, or reserved to a property
9 owners' association, homeowners, condominium
10 or cooperative apartment association for the
11 maintenance and operation of said enumerated
12 water management areas.
13

14 1017.2.7. ~~SECTION VII.~~ EXCEPTIONS. This ~~article~~ section
15 1017.2 shall not apply to drainage easements
16 containing subsurface drainage systems or
17 drainage ditches permitted under this
18 ordinance where the width does not exceed
19 sixty (60) feet, nor does it apply to the
20 operation or activities of a governmental
21 water control district.
22

23 1017.3. ALTERNATE DESIGN, CONSTRUCTION STANDARDS, AND TYPES
24 OF MATERIALS. Alternate designs, construction
25 standards, and types of materials which, in the
26 opinion of the County Engineer, are equal or
27 superior to those specified may be approved in
28 accordance with this subsection.
29

30 1017.3.1. Application Requirement. Written applica-
31 tion, as promulgated and amended from time to
32 time by the County Engineer, for such approval
33 shall be accompanied by written data,
34 calculations and analyses, and drawings which
35 are necessary to show, by accepted engineering
36 principals, that the proposed alternates are
37 equal or superior to those specified or are
38 necessary due to environmental considerations.
39 Within forty five (45) working days of receipt
40 of such application, the County Engineer shall
41 either approve or deny the application and
42 shall advise the Developer's Engineer and the
43 Developer in writing of his determination.
44

45 1017.3.2. Environmental Considerations. In the interest
46 of the preservation of existing trees and
47 other natural features at the developer's
48 request, or as required by other regulations,
49 the County Engineer may vary the design and
50 construction requirements upon presentation by
51 the developer of substantial evidence that
52 environmental conditions will be enhanced,
53 that proper performance of the approved
54 stormwater management system will not be

1 stormwater management system will not be impaired, and
2 that safety, stability, and design life of structural
3 improvements will not be compromised.

4
5 PART XXIV: Article 2000, Requirements for Certified Survey, of the
6 Subdivision Regulations, is hereby created to read as
7 follows:
8

9 2000. REQUIREMENTS FOR THE CERTIFIED SURVEY.

10
11 The County Engineer shall adopt and amend, from time to time,
12 the criteria for the certified survey. At a minimum, the
13 certified survey shall meet the requirements for surveys
14 established by Florida law.

15
16 Certified Survey Recordation. The certified survey shall not
17 require approval of the Board.

1 PART XXVI: Article 2001, Requirements for the Preliminary and Final
2 Plat, of the Subdivision Regulations, is created to read
3 as follows:
4

5 2001. REQUIREMENTS FOR THE PRELIMINARY AND FINAL PLAT.
6

7 2001.1. PRELIMINARY PLAT. The preliminary plat shall meet
8 the requirements of the final plat, except that it
9 shall be submitted without the required signatures
10 and seals. It may also be submitted without
11 restrictive covenant documents, condominium
12 documents, deeds or other legal documents not
13 related to the survey or engineering design of the
14 project.
15

16 2001.2. FINAL PLAT. The final plat shall be prepared in
17 accordance with the provisions of Chapter 177,
18 Florida Statutes, as amended, and shall conform to
19 the requirements of this Section.
20

21 2001.2.1. The final plat shall be drawn or printed on
22 twenty four (24) inch by thirty six (36) inch
23 linen, chronoflex, mylar or other approved
24 material.
25

26 2001.2.2. The final plat shall be prepared by a land
27 surveyor currently registered in the State
28 of Florida and is to be clearly and legibly
29 drawn with black permanent drawing ink or
30 veritype process to a scale of not smaller
31 than one inch equals one hundred (100) feet,
32 or as otherwise determined by the County
33 Engineer.
34

35 2001.2.3. NAME OF SUBDIVISION: The plat shall have a
36 name acceptable to the County. When the plat
37 is a new subdivision, the name of the
38 subdivision shall not duplicate or be
39 phonetically similar to the name of any
40 existing subdivision. When the plat is an
41 addition to a recorded subdivision, it shall
42 carry the same name as the existing
43 subdivision followed by a suitable phase
44 designation or similar modifier, when
45 applicable.
46

47 2001.2.4. TITLE: The plat shall have a title printed
48 in bold legible letters containing:
49

50 (a) the name of the subdivision, printed
51 above and in letters larger than the
52 balance of the title;
53

54 (b) the name of the County and State;
55

- 1 (c) the section, township and range as
2 applicable or if in a land grant,
3 so stated; and
4
5 (d) when the plat is a replat, amendment
6 or addition to an existing plat of
7 record it shall include the words
8 "section, unit, replat, amendment,
9 etc."
10
11 (e) PLANNED DEVELOPMENTS. All plats for
12 lands in a planned unit development
13 shall contain as part of the
14 development's name, the phrase "PUD"
15 within the title. Likewise, all other
16 planned developments shall contain the
17 appropriate acronym for such
18 designation within the title.
19

20 2001.2.5. DESCRIPTION: There shall be lettered or
21 printed upon the plat a full and detailed
22 description of the land embraced in the plat.
23 The description shall show the section,
24 township and range in which the lands are
25 situated or if a land grant, so stated, and
26 must be so complete that from it without
27 reference to the map the starting point can
28 be determined and the boundaries run.
29

30 2001.2.6. INDEX: If more than one sheet is required for
31 the map, the plat shall contain an index sheet
32 on page 1, showing the entire subdivision on
33 sheet indexing the area shown in each
34 succeeding sheet and each sheet shall contain
35 an index delineating that portion of the
36 subdivision shown on that sheet in relation
37 to the entire subdivision. When more than one
38 sheet must be used to accurately portray the
39 lands subdivided, each sheet must show the
40 particular number of that sheet and the total
41 number of sheets included, as well as clearly
42 labeled match lines to each sheet.
43

44 2001.2.7. SURVEY DATA: The final plat shall show the
45 length of all arcs together with central
46 angles, radii, and points of curvature.
47 Sufficient survey data shall be shown to
48 positively describe the boundary of each
49 LOT, BLOCK, RIGHT OF WAY, STREET, EASEMENT,
50 and all other areas shown on the plat and all
51 areas shall be within the boundary of
52

1 the plat as shown in the description. The
2 survey data contained on the plat shall also
3 include the following:

4
5 a. The scale, both stated and graphically
6 illustrated, on each sheet.

7
8 b. A prominent north arrow shall be drawn on
9 every sheet included showing any portion
10 of the lands subdivided. The bearing or
11 azimuth reference shall be clearly stated
12 on the face of the plat in the notes or
13 legend.

14
15 c. The point of beginning shall be boldly
16 shown together with the letters P.O.B. in
17 bold letters.

18
19 d. All intersecting STREET lines shall be
20 joined by the long chord of a minimum
21 radius of twenty five (25) feet and all
22 dimensions shall be shown.

23
24 e. All adjoining property shall be identified
25 by a subdivision title, plat book and
26 page or if unplatted, the land shall be
27 so designated.

28
29 f. Permanent reference monuments shall be
30 shown in the manner prescribed by Chapter
31 177, Florida Statutes, as amended. All
32 information pertaining to the location of
33 "P.R.M.s" shall be indicated in note form
34 on the plat, such as underground
35 installations, etc. Permanent Control
36 Points and Permanent Reference Monuments
37 shall be designed and set as prescribed
38 by Chapter 177, Florida Statutes, as
39 amended, and this ordinance.

40
41 g. There shall be reserved on each sheet of
42 the plat a three (3) inch by five (5)
43 inch space in the upper righthand corner
44 to be used by the Clerk of the Circuit
45 Court for recording information and each
46 sheet shall reserve three (3) inches on
47 the left margin and a half (1/2) inch
48 margin on all remaining sides.

49
50 h. The map shall mathematically close within
51 0.01 feet and shall be accurately tied to
52 all County township, range and section
53 lines occurring within the subdivision by
54 distance and bearing. In addition, the

1 initial point in the description shall be
2 accurately tied to the nearest quarter
3 section corner or section corner or
4 government corner.

- 5
6 i. The cover sheet or first page of the plat
7 shall show a vicinity sketch, showing the
8 subdivision's location in reference to
9 other areas of the County.

10
11 2001.2.8. LOT AND BLOCK IDENTIFICATION: Each lot and
12 block shall be numbered or lettered. All
13 lots shall be numbered or lettered by
14 progressive numbers or letters individually
15 throughout the subdivision or progressively
16 numbered or lettered in each block. Blocks
17 in each incremental plat shall be numbered
18 or lettered consecutively throughout a
19 subdivision.

20
21 2001.2.9. STREET NAMES: The plat shall contain the name
22 of each street shown on the plat. Proposed
23 streets which are in alignment with other
24 existing and named streets shall bear the
25 same name of the existing street. In no case,
26 except as indicated in the preceding sentence,
27 shall the name of the proposed street, ex-
28 cluding a numerical system, duplicate or be
29 phonetically similar to existing street names,
30 regardless of the use of the suffix street,
31 avenue, boulevard, drive, place, court, etc.

32
33 2001.2.10. NOT INCLUDED PARCELS: Not included or
34 excepted parcels must be marked "not a part
35 of this plat." Where a not included parcel
36 is completely surrounded by areas included
37 within the plat, sufficient easements or
38 rights of way to provide necessary access,
39 utilities, and drainage to the not included
40 parcel shall be provided. No strip or parcel
41 of land shall be reserved by the owner unless
42 the same is sufficient in size and area to
43 be of some particular use or service. The
44 intended use of all reserved areas shall be
45 shown on the plat in note form on the cover
46 sheet.

47 2001.2.11. STREETS, AND EASEMENTS: All STREET, RIGHT OF
48 WAY and EASEMENT widths and dimensions shall
49 be shown on the plat. The plat shall show
50 the name, location and width of all existing
51 or recorded streets intersecting or
52 contiguous to the boundary of the plat,

1 accurately tied to the boundary of the plat
2 by bearings and distances.

3
4 2001.2.12. RESTRICTIONS, RESERVATIONS AND RESTRICTIVE
5 COVENANTS: The following actions,
6 circumstances and restrictions shall require
7 the establishment of restrictive covenants
8 and such covenants shall be noted on the plat:
9

10
11 (a) the establishment, use and maintenance
12 of PRIVATE STREETS, PARKING AREAS
13 which are required to be shown on the
14 plat, open space, buffer areas and
15 walls, drainage and other easements,
16 water management tracts and other
17 water management areas and common
18 recreation facilities;
19

20 (b) the creation or existence of a
21 PROPERTY OWNERS ASSOCIATION;
22

23 (c) restrictions pertaining to the type
24 and use of water supply; type and use
25 of sanitary facilities; use and
26 benefits of water areas, canals and
27 other open spaces; odd-shaped and
28 substandard parcels;
29

30 (d) restrictions controlling BUILDING
31 lines; establishment and maintenance
32 of buffer strips and walls; and
33 restrictions of similar nature.
34 Documents pertaining to restrictions
35 regarding land use shall be submitted
36 with the FINAL PLAT and shall be
37 approved by the County Attorney prior
38 to recordation of the PLAT.
39

40 2001.2.13. All STREETS and their related facilities which
41 are designed to serve more than one LOT or
42 DWELLING UNIT shall be dedicated to the
43 public use, unless otherwise required or
44 permitted by this paragraph or elsewhere in
45 this Ordinance. Any STREET and related
46 facilities which is to be reserved as a
47 PRIVATE STREET, as permitted by this
48 ordinance, shall be identified as a tract for
49 STREET purpose. Such STREET tracts shall be
50 reserved as the perpetual maintenance
51 responsibility of the named owners or PROPERTY
52 OWNERS ASSOCIATION

1 without recourse to the County or any other
2 public agency. PRIVATE STREETS may only be
3 permitted when such STREETS are subject to a
4 recorded declaration of covenants subjecting
5 the streets to the jurisdiction and control
6 of all LOT owners deriving access from such
7 streets, their successors and assigns. When
8 parking areas are required to be constructed
9 by Section 2003.1.2, they shall be reserved
10 to and shall be the perpetual maintenance of
11 a property owners' association, which
12 association shall have jurisdiction over the
13 parking area and the clustered lots. PARKING
14 AREAS and any related facilities shall be
15 clearly identified and reserved as tracts for
16 parking and access purposes.
17

18 2001.2.14.

RESTRICTION ON USE OF EASEMENTS. The plat
19 shall contain a statement that no BUILDINGS
20 or any kind of construction or trees or
21 shrubs shall be placed on EASEMENTS which
22 interferes with the dedicated use of the
23 EASEMENT or which do not have the prior
24 written consent of all easement beneficiaries.
25 Prior to issuance of any permit to construct
26 or plant in such easement, a removal
27 agreement, signed by the property owner and
28 witnessed by two witnesses, shall be recorded
29 in the Public Records of the County. Said
30 removal agreement shall be recorded and run
31 with title to the land and covenant for the
32 current and future owners that the building,
33 structure or plantings, as described therein,
34 shall be removed at the owner's expense when
35 requested by the easement beneficiary or the
36 County.
37

38 2001.2.15.

CERTIFICATION AND APPROVALS: The plat shall
39 contain on the face or first page the
40 following certifications and approvals,
41 acknowledged as required by law, all being
42 in the form set forth in this ordinance:
43

- 44 (a) DEDICATION AND RESERVATION: In
45 addition to the other dedication and
46 reservation requirements of this
47 Article 2001, the purpose of all
48 reserved areas shown on the plat shall
49 be defined in the dedication on the
50 plat. All areas reserved for use by
51 the residents of the subdivision shall
52 be so dedicated.

1 All areas dedicated for public use,
2 shall be dedicated by the owner of
3 the land at the time the plat is
4 recorded. Such public areas include,
5 but are not limited to, parks, RIGHTS
6 OF WAY for STREETS or ALLEYS, however
7 the same may be designated; EASEMENTS
8 for utilities, rights of way and
9 EASEMENTS for drainage purposes and
10 any other area, however designated.

11
12 (b)

MORTGAGEE'S CONSENT AND APPROVAL: All
mortgages along with the mortgagee's
consent and approval of the dedication
shall be required on all plats where
mortgages encumber the land to be
platted. The signature(s) or [of] the
mortgagee or mortgagees, as the case
may be, must be witnessed and the
execution must be acknowledged in the
same manner as mortgages are required
to be witnessed and acknowledged. In
case the mortgagee is a corporation,
the consent and approval shall be
signed in behalf of the corporation
by the president or vice president
and the secretary or an assistant
secretary, respectively, by and with
the authority of the board of
directors.

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32 (c)

CERTIFICATION OF SURVEYOR: The fin-
al plat shall contain the signature,
registration number and official seal
of the land surveyor, certifying that
the plat is a true and correct rep-
resentation of the land surveyed under
his responsible direction and
supervision and that the survey data
compiled and shown on the plat com-
plies with all of the requirements of
Chapter 177, Florida Statutes, as
amended, and this ordinance. The
certification shall also state that
permanent reference monuments,
"P.R.M.", have been set in compliance
with Chapter 177, Florida Statutes,
as amended, and this ordinance. When
the permanent control points,
"P.C.P.'s", are to be installed after
recordation, the certification shall
also state that

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the P.C.P.'s will be set under the
direction and supervision of the

1 surveyor within one (1) year from the
2 date the plat was recorded. When
3 required improvements have been
4 completed prior to the recording of
5 a plat, the certification shall sta-
6 te that P.C.P.'s have been set in
7 compliance with the laws of the Sta-
8 te of Florida and ordinances of Palm
9 Beach County.

10
11 (d) BOARD APPROVAL: The plat shall con-
12 tain the approval and signature blo-
13 ck for the Board of County Commis-
14 sioners and the acknowledgement and
15 signature block of the Clerk of the
16 Circuit Court. Upon adoption of a
17 resolution approving the plat, the
18 Chairman of the Board shall execute
19 the plat and the plat shall be pres-
20 ented to the Clerk of the Circuit
21 Court by the County Engineer for
22 recording.

23
24 (e) COUNTY ENGINEER: The plat shall
25 contain the approval and signature
26 block of the County Engineer.

27
28 (f) CERTIFICATION OF TITLE: The face or
29 first page of the plat shall contain
30 a title certification. The title
31 certification must be an opinion of
32 an attorney-at-law licensed in Flor-
33 ida, or the certification of an abs-
34 tractor or a title insurance company
35 licensed in Florida, and shall sta-
36 te:

37
38
39 (1) that the lands as described and
40 shown on the plat are in the name,
41 and apparent record title is held by
42 the person, persons or organizations
43 executing the dedication;

44
45 (2) that all taxes have been paid on
46 said lands as required by Chapter
47 177, Part I, Florida Statutes, as
48 amended; and,

49
50 (3) all mortgages on the land and
51 indicate their official record book
52 and page number.

53
54 (g) INSTRUMENT PREPARED BY: The name and
55 address of the natural person who

1 prepared the plat shall be contained
2 on the plat as required by Section
3 695.24, Florida Statutes, as amended.
4 The name and address shall be in
5 statement form consisting of the
6 following words:

7
8 "This instrument was prepared by

9
10 _____
11 (name)

12
13 _____
14 (address)

15
16 2001.3

17 SPECIAL REQUIREMENTS FOR MOBILE HOME, RECREATIONAL
18 VEHICLE, AND MANUFACTURED HOUSING SUBDIVISIONS:
19 Areas to be subdivided for the purpose of a mobile
20 home, recreational vehicle or manufacture housing
21 development shall also comply with this
22 subsection. Except as to the lots indicated for
23 other purposes, the dedications and reservations
24 on the plat of a mobile home subdivision shall
25 include the following additional provisions or
26 wording equal thereto: "Said owner(s) hereby
27 reserve(s) the lots shown on the plat exclusively
28 for [mobile home, recreational vehicle, or
29 manufactured housing], parking and uses incidental
30 thereto, and, except as to these lots, mobile home
31 or trailer parking is prohibited elsewhere."
32 Areas indicated as parks or playgrounds are to be
33 reserved for the use of the owners of the lots
34 shown on the plat.
35

PART XXVIII: Article 2002, Required Improvements, of the
Subdivision Regulations is hereby created to read
as follows:

2002. REQUIRED IMPROVEMENTS

2002.1. MINIMUM REQUIRED IMPROVEMENTS FOR ALL DEVELOP-
MENTS. Except when waived pursuant to Article
1008, the improvements set out herein shall be the
minimum required improvements for all development
in order to provide the physical improvements
necessary to implement certain performance
standards, objectives and policies of the Capital
Improvements Element and other elements of the
Comprehensive Plan. These required improvements
shall be installed prior to recordation of the
plat or certified survey unless the developer
furnishes a guarantee assuring their installation
in accordance with the provisions of this
ordinance. Except as provided in this Section,
the cost of all required improvements shall be
guaranteed.

2002.1.1. Access and Circulation Systems: All streets
and required sidewalks, and, when required
under Article 2003, parking areas shall be
constructed by the developer in accordance
with the design and construction
requirements of Article 2003. The guarantee
for these requirements shall be as follows:

(a) the cost of installing all street
improvements shall be guaranteed.

(b) the cost of installing parking areas
need not be guaranteed since the
plat establishes legal access and
such areas are required to be
installed prior to issuance of the
Certificate of Occupancy.

(c) Except as provided in this
paragraph, the cost of installing
the sidewalks and paths pursuant to
the approved pedestrian circulation
system shall be guaranteed. The
required guarantee may be waived by
the County Engineer when the paving,
grading and drainage plans contain
a note, acceptable to the County
Engineer, stating that such
sidewalks or paths will be
constructed concurrent with
construction of the dwelling unit

1 for such abutting lot. Installation of
2 sidewalks and paths in streets abutting
3 open space, common areas, recreation areas,
4 water management tracts, and other areas
5 which will not have a dwelling unit
6 constructed thereon shall be guaranteed.

7
8 2002.1.2. **Land Preparation:** The developer shall grade
9 and fill the land pursuant to Article 2004.

10
11 2002.1.3. **Stormwater Management System:** The developer
12 shall install the secondary and tertiary
13 systems for the development in accordance
14 with Article 2005. Provided, however, that
15 in subdivisions where the lot is intended for
16 building construction, the final grading of
17 lots, consistent with Article 2005 or any
18 approved grading plan, shall be done in
19 conjunction with unit construction.

20
21 2002.1.4. **Wastewater System:** The developer shall
22 install the required wastewater system for
23 the development in accordance with Article
24 2006.

25
26 2002.1.5. **Potable Water System:** The developer shall
27 install the required potable water system for
28 the development in accordance with Article
29 2007.

30
31 2002.1.6. **Parks and Recreation:** The developer shall
32 satisfy the requirements of Article 2006.2.1.
33 Only the installation of on-site recreation
34 improvements shall be guaranteed, unless
35 otherwise required by the County Engineer.

36
37 2002.1.7. **Utilities:** The developer shall satisfy the
38 requirements for underground installation of
39 water and sewer services and for utility site
40 location, when applicable, of Article 2009.

41
42 2002.1.8. **Fire Rescue Services:** The developer shall
43 comply with the requirements of Article 2010.
44 The cost of installing the required hydrants
45 may be included in the cost for the central
46 water system.

47
48 2002.1.9. **Subdivision Design and Survey Requirements:**
49 Except when not required for a certified
50 survey, the developer shall install the
51 permanent control points in accordance with
52

1 points are to be installed after
2 recordation, the cost of installing
3 Permanent Control Points shall be
4 guaranteed.
5

6 2002.2. GENERAL DESIGN REQUIREMENTS. The design of the
7 required improvements shall be in accordance with
8 acceptable engineering principles. The design of
9 required improvements shall be accomplished in such
10 a manner that they shall be equal to or exceed
11 current county standards and those contained in
12 this ordinance. Should the developer elect to
13 provide improvements in excess of the minimum
14 requirements, such improvements shall be considered
15 on an individual basis. All such alternatives shall
16 be submitted for approval by the County Engineer in
17 accordance with Section 1017.3.
18
19
20
21

PART XXIX: Article 2003, Access and Circulation Systems, of the Subdivision Regulations is hereby created to read as follows:

2003. ACCESS AND CIRCULATION SYSTEMS

2003.1. VEHICULAR CIRCULATION SYSTEMS

2003.1.1. Required Improvement to be Constructed by Developer. All STREETS, required alleys and related facilities required to serve the proposed development shall be constructed by the DEVELOPER. The construction shall consist of, but not be limited to, STREET grading, base preparation, surface course and drainage. All STREETS, whether intended for public dedication or private reservation and use, shall be constructed to the minimum standards established by this ordinance and the COUNTY STANDARDS. Additionally, the DEVELOPER shall construct any PARKING AREA within a development which provides access to clustered lots that do not have a front property line in common with a STREET. Construction of such parking areas shall be completed prior to issuance of any Certificate of Occupancy for any DWELLING UNIT located on a clustered lot served by such PARKING AREA. Construction of the parking area may be done in conjunction with building construction on the lot the area is to serve. When such construction is to be done, the paving, grading and drainage plans shall be noted in a form acceptable to the County Engineer. When the parking area is to be completed upon building construction, prior to issuance of the certificate of occupancy for any dwelling unit or building served by such parking area, the developer shall execute a certificate of compliance on a form approved by the Building Department. Such certificate shall state that the parking area was completed in accordance with the requirements of Section 500.17 of the Zoning Code.

2003.1.2. Minimum Access Requirement. There is hereby established a hierarchy of ACCESS. Except when a lot is permitted by the Zoning Code to have its front line abutting or coincide with the line of a parking area or parking lot, each proposed lot shall abut a means of vehicular access meeting or exceeding the minimum requirement set forth in Chart 2003-1 CHART OF ACCESS HIERARCHY.

1
2 2003.1.2.1.

Parking Areas: When access to a LOT is permitted by the Zoning Code to be by a PARKING AREA, such PARKING AREA shall meet the requirements for off-street parking of the Zoning Code. When a parking area serves more than one (1) lot, it shall be dimensioned and depicted on the construction plans and reserved on the plat as a "parking tract" or "access tract". Said tract shall be reserved for parking and access purposes to the property owners association having jurisdiction over the parking area and the abutting lots.

17
18 2003.1.2.2.

DRIVEWAYS: When access to a LOT is permitted by the Zoning Code to be by a DRIVEWAY, such DRIVEWAY shall not exceed twenty-five (25) feet in length except when approved by the County Engineer. The County Engineer may waive the length requirement if the driveway serves more than one (1) DWELLING UNIT but not more than four (4) DWELLING UNITS and there exist unusual circumstances, including, but not limited to, topography, rural nature of use, LOT size, and designation of the abutting Lots as CLUSTERED LOT, which, in the opinion of the County Engineer, warrants the granting of an exception.

35
36 2003.1.3.

GENERAL DESIGN CONSIDERATIONS. The proposed STREET layout shall be integrated with the County's traffic circulation network, and shall be coordinated with the STREET system of the surrounding area. Streets shall be classified and designed in accordance with the Traffic Circulation Element of the Comprehensive Plan and Chart 2003-1, Minor Streets, consideration shall be given to:

- 45
46 a. existing and planned streets;
47

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2003.1.4.

(a)

(b)

2003.1.5.

2003.1.6.

1 centerline to centerline. Intersections
2 which warrant traffic signalization shall be
3 spaced a minimum distance of thirteen
4 hundred (1300) feet, centerline to
5 centerline. Connection of local streets or
6 residential access streets to arterial
7 streets may be permitted by the County
8 Engineer only where other access is
9 unavailable. Local street logs with
10 centerline offsets of less than one hundred
11 twenty five (125) feet are prohibited.
12

13 2003.1.7. THROUGH AND LOCAL TRAFFIC . Through traffic
14 shall be directed along non-plan collector
15 Streets within the subdivision. Local
16 streets shall be laid out to accommodate
17 local or neighborhood traffic and to
18 discourage their use by through traffic.
19

20 2003.1.8. MARGINAL ACCESS STREETS. Except as
21 permitted by the county engineer, marginal
22 access streets shall be designed and
23 constructed to provide access to property
24 abutting any major street in order to
25 control access to major streets in the
26 traffic circulation network and to afford
27 separation of through and local traffic.
28

29 2003.1.9. RAILROADS IN OR ABUTTING SUBDIVISIONS. When
30 a subdivision borders on or contains a
31 railroad right of way, a street
32 approximately parallel to and on each side
33 of such right of way may be required at a
34 distance suitable for an appropriate use of
35 the intervening land.
36

37 2003.1.10. ALLEYS. Alleys may be required in sub-
38 divisions when they are necessary, in the
39 opinion of the County Engineer, to the
40 subdivision for the safe and convenient
41 movement of traffic and pedestrians. Alley
42 intersections and sharp changes in alignment
43 shall be avoided and alleys shall be
44 constructed in accordance with the following
45 criteria:
46

47 (a) Residential areas: alleys shall be
48 paved ten (10) feet wide in a
49 minimum twelve (12) foot right of
50 way, with appropriate radii for the
51 intended use.
52

53 (b) Commercial and Industrial areas:
54 eighteen (18) feet wide in a minimum

twenty (20) foot right-of-way, with appropriate radii for the use intended.

2003.1.11. BRIDGES AND CULVERTS. Bridges or culverts shall be provided as necessary to facilitate the proposed vehicle and pedestrian system. The bridge or culvert requirement is subject to the agency having jurisdiction over the facilities or as required by the proposed street layout of the development in conjunction with a proposed waterway. Bridges shall be designed in general accord with the current Department of Transportation practices and shall include planning for utility installation. They shall be reinforced concrete, however, other low maintenance materials may be used upon request and approval, having a clear roadway width between curbs two (2) feet in excess of the pavement width in each direction and shall provide four (4) foot wide sidewalks on each side. All bridge structures shall be designed for H-20-S16-44 loading, incorporating adequate erosion protection.

2003.1.12. STREET MARKERS. Street markers shall be provided at each intersection in the type, size and location required by the current County Standards. Street name signs shall carry the street name shown on the plat of record and shall be in compliance with the current county standards.

2003.1.13. TRAFFIC CONTROL DEVICES. The developer shall install traffic control devices, including but not limited to, traffic lights on roads within and interfacing with the subdivision. A traffic impact analysis meeting the approval of the County Engineer shall determine the traffic light requirements.

2003.1.13.1. PAVEMENT OR LANE DELINEATORS. Pavement or lane delineators meeting the requirements of Palm Beach County shall be installed on all arterial streets. Upon approval by the County Engineer of sufficient lighting, pavement or lane delineators shall not be required.

2003.1.13.2. The design of traffic control devices shall be in accordance with

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state standards, specifically, the
Manual for Uniform Traffic Control
Devices.

2003.1.14. PAVEMENT WIDTHS: Pavement widths for streets, whether the street is dedicated as right of way or as a tract for street or access purposes, shall be in accordance with Chart 2003-2.

2003.1.15. DEAD-END STREETS. Dead-end streets of a permanent nature shall be prohibited except when designed and constructed as a cul de sac in accordance with the County Standards. dead-end streets shall not exceed one thousand three hundred twenty (1320) feet in length except where natural geographic barriers exist necessitating a greater length.

2003.1.16. MATERIALS AND CONSTRUCTION. Pavement construction shall consist of, at a minimum, a subgrade, base and wearing surface. All materials and construction shall be in accordance with the CURRENT COUNTY STANDARDS.

2003.1.17. STABILIZED SHOULDERS. On all streets with a width of fifty (50) feet or more, stabilized shoulders shall be provided for distress lanes unless non-mountable curbing or paved lanes are provided. Sod, when required, shall be installed prior to acceptance of the required improvements. No time extensions to any contract for the construction of required improvement will be granted on the basis of incomplete stabilized shoulders.

2003.1.18. STREET GRADES. Street grades shall be determined in relation to the drainage installations for the subdivision and shall be in accordance with county standards. street grades shall be shown on the construction plans indicating the direction, percent of fall and a centerline lineal distance between control points.

2003.1.19. NON-CONFORMING STREETS. Streets which cannot meet the design and constructions standards of this ordinance or the County Standards shall not be permitted except where satisfactory assurance for dedication of the remaining part of the street or

1 reconstruction of the street in accordance
2 with current criteria is provided. Whenever
3 a tract to be subdivided abuts an existing
4 half or partial street, the other part of
5 the street may be required to be dedicated
6 and constructed within such tract. A
7 proposed subdivision that adjoins or
8 includes an existing street which does not
9 conform to the minimum street width
10 requirements of these regulations shall
11 provide for the dedication of additional
12 land for such street along either one or
13 both sides of said street so that the
14 minimum right of way requirements of these
15 regulations can be established. The County
16 shall not accept non-conforming streets for
17 ownership or maintenance pursuant to this
18 ordinance.

19
20 2003.1.19.1. ACCEPTANCE OF NON-CONFORMING
21 STREETS. The county shall not
22 accept dedication of, title to or
23 responsibility for maintenance of
24 any street not conforming to the
25 street width, pavement width and
26 construction standards required by
27 this ordinance or the county
28 standards in effect at the time of
29 the original construction of the
30 street, unless the person(s) seeking
31 such transfer of ownership or
32 maintenance responsibility makes the
33 street conform or provides
34 assurances, in a form acceptable to
35 the County Attorney, that the
36 expense of making such street
37 conforming will not be borne by the
38 general taxpayers. Acceptable forms
39 of assurances include, but are not
40 limited to, special taxing districts
41 and performance bonds.

42
43 2003.1.20. LIMITED ACCESS EASEMENTS. Limited access
44 easements shall be required along all non-
45 plan collector streets and all Major Streets
46 in order to control access to such streets
47 from abutting property. Easements for
48 controlling access to local and residential
49 access streets may be required by the county
50 engineer in order to ensure continued
51 control of access to such streets from
52 abutting property. All limited access
53 easements shall be conveyed or dedicated to
54 the county.

1
2 2003.1.21. STREET NAMES. Proposed streets which are in
3 alignment with other existing and named
4 streets should bear the same name of the
5 existing street. All street names shall
6 have a suffix and in no case, except as
7 indicated in the preceding sentence, shall
8 the name of the proposed street duplicate or
9 be phonetically similar to existing street
10 names regardless of the use of the suffix
11 street, avenue, boulevard, drive, place,
12 court, etc. The Planning, Zoning and
13 Building Department shall administer this
14 section.

15
16 2003.1.22. ALIGNMENT, TANGENT, DEFLECTION, RADII.
17 Streets shall be laid out to intersect as
18 nearly as possible at right angles.
19 Multiple intersections involving the
20 junction of more than two (2) streets shall
21 be prohibited. The point of curvature of
22 any local street shall not be closer than
23 one hundred (100) feet to a curve at any
24 intersection measured along the centerline
25 from the extension of the intersecting
26 street lines. All intersections shall be
27 designed to provide adequate stopping and
28 sight distance in accordance with the
29 current edition of the Green Book. When the
30 centerline of a local street deflects by
31 more than ten degrees (10°), it shall be
32 curved with a radius adequate to assure safe
33 sight distance and driver comfort. Property
34 lines at street intersections shall be the
35 long chord of a twenty five (25) foot or
36 greater radius and street pavement return
37 radii shall be a minimum of thirty (30)
38 feet.

39
40 2003.1.23. STREET LIGHTING. If street lighting is
41 installed it shall be maintained by a
42 property owners' association and said
43 association should not be created
44 exclusively for the purpose of maintaining
45 street lighting. Unless street lighting
46 installation conforms to the standards of
47 the requisite utility company, street
48 lights shall be placed outside of rights of
49 way, road tracts, or any other areas
50 designated for road purposes. Streets
51 lighting shall be wired for underground
52 service except where aerial service is
53 permitted pursuant to Article 2009.
54

1 2003.1.24. MEDIAN STRIPS. Median strips which are part
2 of a right of way may not be utilized for
3 any purpose other than by the County or
4 Public Utility. However a developer or
5 property owner may install landscaping in a
6 median strip or within shoulders in accor-
7 dance with the Zoning Code and pursuant to
8 any permitting requirements of the County
9 Engineer.

10 2003.1.25. SUBDIVISION ENTRANCEWAYS. Subdivision
11 entranceways consisting of walls, fences,
12 gates, rock piles or other entrance features
13 are not permitted within the median strip or
14 other areas in a public street. Decorative
15 entranceways must be constructed upon plots
16 of land adjacent to a public street in
17 compliance with applicable County codes and
18 placed so as not to constitute a traffic
19 hazard.

20 2003.1.26. GUARDDOUSES: A guardhouse, located so as
21 not to create a traffic hazard, may be
22 constructed in the median of an entrance to
23 a subdivision having private streets. The
24 minimum setback to a guardhouse shall be 150
25 feet, measured from the extension of the
26 intersecting street lines, unless waived by
27 the County Engineer. Two (2) lanes shall be
28 required on each side of the median in the
29 area of the guardhouse.
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3 CHART 2003-1
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5 CHART OF ACCESS HIERARCHY
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8 MAJOR STREETS: STREETS which constitute the traffic circulation
9 network as contemplated under the Comprehensive Plan. Listed from
10 highest to lowest category.
11

12 EXPRESSWAY
13

14 ARTERIAL
15

16 PLAN COLLECTOR
17

18 MINOR STREETS: STREETS which constitute the internal circulation
19 network of a development and which are not classified as a MAJOR
20 STREET. Listed from highest to lowest category.
21

22 NON-PLAN COLLECTOR
23

24 MARGINAL ACCESS
25

26 LOCAL STREETS:
27

28 STANDARD LOCAL
29

30 RESIDENTIAL ACCESS:
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32 40 FOOT
33

34 32 FOOT
35

36 ALLEY (secondary access only)
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CHART OF MINOR STREETS

CLASSIFICATION	STREET	MIN. WIDTHS		MAX. ADT	DIRECT ACCESS PERMITTED TO	
		PAVEMENT			CMRL.	RES.
NON-PLAN COLLECTOR	80	24		13,100	y	n
MARGINAL ACCESS	50	24		N/A	y	y
LOCAL: *						
RESIDENTIAL	50	20		1,500	n	y
COMMERCIAL	80	20		1,500	y	y
RESIDENTIAL ACCESS *	40	20		800	n	1
	32	20		150	n	1

1 = limited to clustered lots only.

* EXCEPTIONS: The following are exceptions to or excluded from the above requirements:

- (1) Streets within rural subdivision shall be a minimum of 60 feet when the are to be unpaved.
- (2) Residential lots permitted by the Zoning Code to abut a parking area or parking lot are excluded.
- (3) Commercial and industrial lots permitted by the Zoning Code to abut a parking area or parking lot are excluded.

OTHER RESTRICTIONS:

- (1) Dead End Length of all classifications limited to 1320 feet unless otherwise approved by the County Engineer.
- (2) Pavement width does not include any required paved shoulder width.

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2003.2. PEDESTRIAN CIRCULATION SYSTEM

2003.2.1. Requirement for Sidewalks. Except as provided in this Section, sidewalks shall be constructed on both sides of all STREETS. For marginal access streets and streets with a width of less than 50 feet and greater than 32 feet a sidewalk on one side is required, and no sidewalk is required in STREETS with a width less than 32 feet. Required sidewalks shall be constructed by the Developer except as provided in Paragraph D below.

2003.2.2. Master Pedestrian Circulation Plan; Waiver of Requirement. The Subdivision Committee may approve a Master Pedestrian Circulation Plan and, upon such approval, may waive, in whole or in part, the requirement for sidewalks within a plat when it finds that the pedestrian circulation system meets or exceeds the continuity and safety of the pedestrian system which would be provided by the required sidewalks. The Master Pedestrian Circulation Plan shall be for all property encompassed by the final Subdivision Plan.

2003.2.2.1. Requirements for Master Pedestrian Circulation Plan: The Developer may apply to the Subdivision Committee for waiver of one or more required sidewalks within a subdivision. An application, the required fee and the required number of copies of a Master Pedestrian Circulation Plan shall be filed with the County Engineer for placement on the agenda of the Subdivision Committee. The Master Pedestrian Circulation Plan shall be a reproducible copy of the approved final Subdivision Plan and shall not be of a size smaller than the approved final Subdivision Plan. The plan shall be modified, when necessary, to include the following information:

- a. The number and type of dwelling units, and the location of all lots.
- b. The classification and dimension of all STREETS.
- c. The location, dimension and type of all paths, including sidewalks to be contained in the STREET lines and bicycle paths.

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d. Location of connections to pedestrian systems outside the development.

2003.2.2.2.

Upon approval of a Master Pedestrian Circulation Plan, a copy of the approved plan shall be forwarded to the Zoning Department, Building Department and Metropolitan Planning Organization.

2003.2.3. Maintenance Responsibility of Sidewalks and Paths.
The control, jurisdiction and maintenance obligation of paths not located within the STREET and of sidewalks within private streets shall be placed in a PROPERTY OWNERS ASSOCIATION or an improvement district which shall agree upon the plat or by a separate instrument filed in the Public Records to accept such obligation.

2003.2.4. Reduction of Street Width. When pedestrian circulation is to be accomplished solely by paths, the Subdivision Committee may reduce the STREET widths required by this ordinance or the County Standards by no more than eight (8) feet if such reduction would not reduce the street's carrying capacity, and safety nor compromise the safety of pedestrians.

2003.2.5. Crosswalks. When the block length exceeds nine hundred (900) feet, crosswalks between STREETS may be required where deemed essential by the County Engineer to provide circulation or ACCESS to schools, playgrounds, shopping centers, transportation and other community facilities.

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PART XXX: Article 2004, Clearing, Earthwork, and Grading, of the
Subdivision Regulations, is hereby created to read as follows:

2004. CLEARING, EARTHWORK, AND GRADING.

2004.1. MINIMUM REQUIRED IMPROVEMENT. The Developer shall be
required to clear all rights of way and to make all
grades for streets, alleys, lots and other areas,
compatible with on-site tertiary drainage patterns
established by the approved drainage design.

2004.2. Replacement of unsuitable materials within the streets
and proposed public areas shall be satisfactory to and
meet with the approval of the County Engineer, who shall
require soil tests of the backfill and the underlying
strata at the cost of the developer to certify the extent
of removal, type of replacement material and method of
placement.

1 PART XXXI: Article 2005, Stormwater Management, of the Subdivision
2 Regulations, is hereby created to read as follows:
3
4

5 2005. STORMWATER MANAGEMENT.
6

7 2005.1. MINIMUM REQUIRED IMPROVEMENT. The following shall be the
8 minimum required improvement for all developments to
9 implement the level of service under the Drainage
10 Subelement and Capital Improvements Elements of the
11 Comprehensive Plan.
12

13 2005.1.1. A complete, fully functional tertiary drainage
14 system, including necessary lot grading, ditches,
15 canals, swales, storm sewers, drain inlets, man-
16 holes, headwalls, endwalls, culverts, and other
17 appurtenances, shall be required in all subdivisions
18 for the positive drainage of storm water runoff in
19 conformance with the approved drainage plans.
20

21 2005.1.2. A complete and fully functional secondary system
22 shall be required in all subdivisions in conformance
23 with the approved stormwater management plan.
24

25 2005.1.3. A means to convey all stormwater discharge from the
26 development site to at least one (1) point of legal
27 positive outfall shall be provided as an integral
28 part of the required stormwater management system,
29 including construction of all necessary conveyance
30 facilities and establishment of appropriate ease-
31 ments for operation and maintenance of said off-
32 site facilities.
33

34 2005.1.4. Adequate physical and legal means shall be provided
35 to ensure the continued conveyance of all pre-
36 development flow of surface waters into or through
37 the development site from adjacent lands. Unless
38 otherwise specified by ordinance, regulation, or
39 condition of development approval, such conveyance
40 may be accomplished by incorporating the inflow into
41 the on-site stormwater management system or divert-
42 ing the inflow to its pre-development location of
43 outflow from the development site, including
44 construction of all necessary conveyance facilities
45 and establishment of appropriate easements to
46 accommodate said inflow.
47

48 2005.1.5. All temporary and/or permanent facilities necessary
49 to meet requirements for stormwater treatment, off-
50 site discharge control, and conveyance of existing
51 inflows applicable to that portion of the site under
52 construction must be in place and operational at the
53 time of commencement of construction, and shall be

1 maintained by the developer until such time that all
2 required improvements are acknowledged as complete.
3

4 2005.2.

5 GENERAL CRITERIA. Secondary and tertiary drainage
6 facilities for each subdivision, and for each lot,
7 street, and other development site within the sub-
8 division, shall be designed and constructed so as to:

- 9 (a) Prevent flooding and inundation to a degree consis-
10 tent with levels of protection adopted by the
11 Comprehensive Plan for buildings, streets, lots,
12 parking areas, recreational areas, and open space;
13
14 (b) Maintain stormwater runoff rates at levels com-
15 patible with safe conveyance and/or storage capaci-
16 ties of drainage facilities and established legal
17 limits applicable to receiving waters at the point
18 of discharge;
19
20 (c) Mitigate degradation of water quality and contraven-
21 tion of applicable state water quality standards in
22 surface and groundwaters receiving stormwater
23 runoff;
24
25 (d) Provide facilities for conveyance to legal positive
26 outfall of all allowable discharges of stormwater
27 runoff from each development site without causing
28 or contributing to inundation of adjacent lands;
29
30 (e) Provide for continued conveyance of pre-development
31 stormwater runoff and surface waters that flow into
32 or through the development site from adjacent lands;
33
34 (f) Provide for long-term, low maintenance, low cost
35 operation by normal operating and maintenance
36 methods;
37
38 (g) Provide for necessary maintenance of the pre-
39 development range of groundwater levels to prevent
40 adverse impacts on land uses and water resources of
41 the development site and adjacent lands; and
42
43 (h) Promote percolation, recharge, and reuse of storm-
44 water.

45 2005.3.

46 HYDROLOGIC DESIGN DATA. Unless otherwise specified by
47 a particular design or performance standard, hydraulic
48 and hydrologic data used in design of stormwater manage-
49 ment facilities shall be based on:

- 50 (a) rainfall intensity-duration-frequency curves for
51 FDOT-Zone 10;
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- (b) rainfall hyetographs of 24-hour total rainfall as published in South Florida Water Management District - Management and Storage of Surface Waters Permit Information Manual -Volume IV;
 - (c) rainfall quantity (or intensity) vs. time distributions in accordance with those published by SFWMD, or FDOT, or the SCS - Type II (South Florida Modified) distribution;
 - (d) post-development runoff characteristics, such as slopes, available soil storage, runoff coefficients, ground cover, channelization, and overland flow routing, applicable to the development site and contributory off-site areas after complete development has occurred;
 - (e) maximum operating tailwater elevations at the outlet of each conveyance or discharge facility, determined as the peak receiving water surface elevation resulting from a 24-hour duration rainfall with a return period equal to that of the design storm applicable to the facility, or as otherwise established by the agency having operational jurisdiction over the receiving water elevation.

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2005.4.

DESIGN FLOOD ELEVATION DETERMINATION. Unless otherwise specified by a particular design or performance standard, the 100-year flood elevation applicable to a development site shall be determined as the highest of:

- (a) the base flood elevation specified for the area of development located within zones designated A, AH, or A1-30 as delineated on the appropriate Federal Flood Insurance Rate Map (FIRM);
- (b) the wind or current driven wave elevation specified for the area of development located within zones designated V1-V30 as delineated on the appropriate FIRM;
- (c) the inundation elevation obtained by adding the depth of shallow flooding to the area-weighted mean pre-development elevation of the area of development located within zones designated A0 as delineated on the appropriate FIRM;
- (d) the 100-year inundation elevation established by SFWMD within specific sub-areas of the C-51 Canal and C-18 Canal watersheds pursuant to Chapter 40E-41, F.A.C.; or
- (e) where not otherwise established by Chapter 40E-41, F.A.C., or by a County drainage plan adopted

1 pursuant to the Comprehensive Plan, the maximum
2 inundation elevation resulting from the total on-
3 site storage of runoff produced by the 100-year, 3-
4 day rainfall event assuming fully developed site
5 conditions and no discharge of surface water from
6 the development site.
7

8 2005.5. TERTIARY SYSTEM DESIGN AND PERFORMANCE. The tertiary
9 system shall consist of all drainage features and
10 facilities such as storm sewerage, swales, gutters,
11 culverts, ditches, erosion protection, and site grading
12 necessary for the immediate drainage and rapid removal
13 of stormwater from building sites, streets, and areas of
14 other land uses subject to damage or disruption by
15 inundation in accordance with acceptable levels of
16 service as established by the Comprehensive Plan.
17

18 2005.5.1. In order to provide for such levels of service,
19 tertiary drainage for buildings and lots shall meet
20 the following minimum requirements:
21

- 22 (a) The minimum finished floor elevation of
23 the principal building(s) to be con-
24 structed on a lot or portion thereof shall
25 be at or above the 100-year flood eleva-
26 tion applicable to the building site.
27
28 (b) Site grading immediately adjacent to the
29 perimeter of each building shall be sloped
30 so as to drain away from the structure.
31
32 (c) Each single family residential lot shall
33 be graded to drain along or within its
34 property lines to the street or parking
35 area providing immediate access, unless
36 adequate common drainage facilities in
37 expressed drainage easements with an
38 established maintenance entity are
39 provided to accommodate alternative
40 drainage grading.
41
42 (d) Each residential lot with gross area of
43 one-quarter acre or less shall have a
44 finished grade not lower than the maximum
45 water surface elevation produced by the
46 3-year, 24-hour rainfall event in any
47 detention or retention facility receiving
48 stormwater runoff from the lot.
49
50 (e) Each residential lot with a gross area
51 greater than one-quarter acre shall have
52 a finished grade as in paragraph (d) above
53 within twenty (20) feet of any principal
54 building site. The remainder of the lot

1 shall be graded at sufficient elevation
2 to ensure that inundation does not persist
3 for more than eight (8) hours following
4 cessation of the 3-year, 24-hour rainfall
5 event, unless such area is designated for
6 stormwater management purposes and
7 included in an expressed easement for
8 drainage, floodplain, or the like.
9

10 2005.5.2. LOCAL STREET DRAINAGE. Local streets shall have
11 tertiary drainage meeting or exceeding the following
12 minimum requirements:
13

14 (a) The minimum edge of pavement elevation of
15 any street segment shall be no lower than
16 two (2) feet above the control elevation
17 of any detention or retention facility
18 receiving runoff from that segment.
19

20 (b) Roadside swales shall conform to ap-
21 licable County standards and shall be
22 designed and constructed such that:
23

24 (1) the flowline gradient is at least
25 0.30%, but not greater than 2.5%
26 unless approved erosion protection is
27 provided;
28

29 (2) the flowline gradient is equal to or
30 slightly exceeds the longitudinal
31 gradient of adjacent pavement;
32

33 (3) the water surface elevation of swale
34 flow resulting from peak runoff based
35 on the 3-year rainfall event shall
36 remain below the adjacent edge of
37 pavement at any point along the swale
38 run. However, at least one storm
39 sewer inlet or other acceptable
40 discharge facility shall be provided
41 for every six hundred (600) linear
42 feet of swale, and no single swale run
43 shall exceed four hundred (400) feet
44 to an inlet; and
45

46 (4) the soil adjacent to each inlet is
47 protected from local scour by instal-
48 lation of a four (4) foot wide
49 perimeter apron sod or concrete.
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51 (c) Curb and gutter drainage shall conform to
52 applicable County standards and shall be
53 designed and constructed such that:
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- (1) the flowline gradient is at least 0.20%;
 - (2) the water surface elevation of flow resulting from peak runoff based on the 3-year rainfall event shall not exceed the adjacent centerline elevation of pavement at any point. However, at least one storm sewer inlet or other acceptable discharge facility shall be provided for every six hundred (600) linear feet of pavement, and no single gutter run shall exceed four hundred (400) feet to an inlet; and
 - (3) surface flow of runoff across street intersections is prevented by provision of corner inlets and cross drains or by grading of gutters to flow away from the intersection.

2005.5.3. NON-PLAN COLLECTOR STREET DRAINAGE. Non-plan collector street shall have tertiary drainage meeting all appropriate requirements for local streets except that:

- (a) conveyance capacity of road drainage facilities shall be based on peak runoff resulting from the 5-year rainfall event; and
- (b) the water surface elevation of gutter flow resulting from peak runoff based on the 5-year rainfall event shall not exceed the adjacent centerline elevation of the outermost travel lane at any point.

2005.5.4. RESIDENTIAL PARKING LOT OR AREA DRAINAGE. Each residential parking lot serving three or more dwelling units and all non-residential parking lots shall have a finished grade elevation not lower than the maximum water surface elevation produced by the 3-year, 24-hour rainfall event in any retention, detention, or conveyance facility receiving storm-water runoff from the lot. However, where detention or retention is provided by subsurface exfiltration systems the finished grade shall be no lower than the maximum storage elevation produced by the 5-year, 24-hour event.

2005.5.5. STORM SEWERAGE. Storm sewerage shall be designed and constructed so as to meet or exceed the following requirements:

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- (a) All storm sewer system capacity design shall, at a minimum, provide for conveyance of peak inflow from the applicable catchment, based on the 3-year rainfall event, such that the hydraulic gradient elevation does not exceed the grate or cover elevation at any inlet or manhole under tailwater conditions pursuant to paragraph 2005.3 (e).
- (b) Inlet times assumed for determining required street drainage system capacity shall not exceed 10 minutes, unless adequate justification for use of longer times is submitted.
- (c) Storm sewer pipe shall have a nominal diameter of not less than fifteen (15) inches, or equivalent oval pipe size.
- (d) Storm sewerage shall be designed to attain design flow velocities of not less than 2.5 feet per second in all pipe runs serving two or more inlets, nor greater than 10 feet per second in any pipe run.
- (e) A suitable access structure such as a manhole, junction box, or inlet must be installed at each junction or change in pipe size slope, or direction.
- (f) The maximum pipe run between access structures shall be:
- 300 ft. for 15" and 18" pipe
400 ft. for 24" - 36" pipe
500 ft. for 42" and larger pipe.
- (g) All pipe used in the storm sewer system shall be either reinforced concrete or metal, covered by and conforming to current ASTM, AASHTO, or ANSI standard specifications for materials and fabrication of barrel and joints, and shall meet current FDOT standard specifications and policies applicable to the intended use.
- (h) Concrete pipe shall have gasket joints.
- (i) When metal pipe is used beneath pavement within a street, it shall be designed to provide a joint-free installation or, where joint-free installations are not

feasible, shall be jointed with a twelve-inch wide band having a mastic or neoprene gasket providing a watertight joint. Other jointing techniques meeting or exceeding these requirements may be used upon submittal to and approval by the County Engineer.

- (j) Drainage pipe shall be fitted with headwalls, endwalls, inlets and other appropriate terminating and intermediate structures. Structure design shall meet or exceed county standards.

2005.6. SECONDARY SYSTEM DESIGN AND PERFORMANCE. The secondary system, including all facilities and appurtenant structures for detention, retention, discharge, and conveyance to legal positive outfall, shall be designed and constructed to provide the degree of treatment and control of all stormwater runoff discharged from a development site necessary to meet the requirements of the agency having jurisdiction over receiving waters at the point(s) of legal positive outfall.

2005.6.1. In addition to requirements expressly stated herein:

- (a) Secondary facilities for development subject to permitting by individual or general permit from South Florida Water Management District pursuant to Chapters 40E-4, 40E-40, and/or 40E-41, F.A.C., shall meet all requirements for issuance of the applicable permit; and

- (b) Secondary facilities for each residential, commercial, and industrial development exempt from South Florida Water Management District permitting pursuant to Chapter 40E-4, F.A.C., except an individual residential lot containing not more than two (2) dwelling units, shall be designed and constructed on site, or otherwise be provided through authorized connection to off-site secondary facilities, so as to: limit the discharge rate at the point of legal positive outfall to not more than the peak runoff rate produced by the site under pre-development conditions for both the 3-year, 1-hour and the 25-year, 72-hour rainfall events, and either:

- (1) detain the greater of the first one (1) inch of runoff or the

total runoff from the 3-year, 1-hour rainfall event; or

- (2) retain the initial portion of runoff in an amount equal to one-half of that required to be detained.

2005.6.2. No discharge of stormwater runoff resulting from rainfall up to and including the 25-year, 72-hour event shall take place from a development site except by means of one or more approved discharge structures, other than those existing inflows from off-site for which separate, approved means of conveyance through the site have been provided.

2005.6.3. Facilities for conveyance of discharge to the point(s) of legal positive outfall shall be designed and constructed with adequate capacity to accommodate the combined flow from the applicable discharge structure(s) and all inflows from other contributory areas resulting from the 25-year, 72-hour rainfall event without overflow to adjacent lands.

2005.6.4. Except where bulkheading is approved in accordance with Article 1017, each wet detention/retention facility designed for storage of stormwater runoff in an open impoundment shall have:

- (a) side slopes no steeper than 4(H):1(V) extending to a depth of at least two (2) feet below the design control elevation;
- (b) side slopes no steeper than 2(H):1(V) from two (2) feet below control elevation to the bottom of the facility; and
- (c) a continuous berm, at least twenty (20) feet wide and no steeper than 8 (H): 1 (V), graded adjacent to the shoreline at an elevation not lower than the maximum design water surface elevation resulting from the 3-year, 24-hour rainfall event. Along portions of the impoundment where the design water surface is less than forty (40) feet wide at control elevation a berm shall be required on only one side, provided that adequate legal and physical access is established from a local street to each separate segment of the remaining berm.

1 2005.6.5. Dry detention/retention facilities designed for
2 storage in open impoundments shall have side slopes
3 no steeper than 4(H):1(V).

4
5 2005.6.6. All normally exposed side slopes and maintenance
6 berms of open impoundments shall be fully grassed
7 or otherwise protected from erosion.

8
9 2005.6.7. Each piped inlet to an open impoundment shall have
10 a concrete or sand-cement rip-rap endwall designed
11 and constructed with suitable foundation for
12 installation on the slope or bed of the impoundment
13 as applicable. However, the endwall may be elimi-
14 nated on inlets to wet detention impoundments where
15 the pipe is installed with the crown at least two
16 (2) feet below the control elevation and with the
17 pipe invert protruding at least two (2) feet beyond
18 the side slope.

19
20 2005.6.8. Stormwater runoff from pavement, roofs, and unpaved
21 areas of compacted soil surfaces with no significant
22 vegetative cover shall be directed over grassed,
23 pervious soil surfaces as diffused flow prior to
24 entering wet detention/retention facilities or dry
25 detention facilities in order to promote infiltra-
26 tion, particulate deposition, nutrient removal, and
27 interception of debris or other undesirable
28 materials which may overload, pass through, cause
29 nuisance conditions in, or increase maintenance
30 needs of said facilities.

31
32 2005.6.9. In order to protect against overdrainage of sur-
33 rounding lands, no control elevation shall be lower
34 than the pre-development average annual mean water
35 table elevation of the detention facility site.

36
37 2005.7. DRAINAGE AND MAINTENANCE ACCESS RIGHTS.

38
39 2005.7.1. Each secondary system facility for detention or
40 retention of stormwater runoff in an open impound-
41 ments shall be placed entirely within a water
42 management tract dedicated or deeded to an accep-
43 table entity responsible for operation and main-
44 tenance of the stormwater management system.

45
46 2005.7.2. Except as otherwise provided pursuant to this
47 ordinance, there is hereby required around each
48 water management tract established for purposes of
49 wet detention or retention in an open impoundment
50 a lake maintenance easement a minimum of twenty (20)
51 feet in width and graded at a slope no steeper than
52 8 (H):1 (V), coinciding with the required main-
53 tenance berm. The width of the easement shall be
54 measured from the point at which the grade is not

1 steeper than 8 (H):1 (V). Lake maintenance from a
2 contiguous local street may be permitted by the
3 County Engineer in accordance with good engineering
4 practices. Access to a lake maintenance easement
5 from at least one local street shall be established
6 by expressed easement or other instrument of record.
7 A lake maintenance easement shall be required on
8 only one side of the water body or water management
9 tract if the distance is less than forty (40) feet
10 between the points at which the grade is not steeper
11 than 8 (H):1 (V). If the water surface at the
12 control elevation is greater than forty (40) feet
13 wide, a lake maintenance easement shall be required
14 on both sides. No lake maintenance easement shall
15 be required behind bulkheads; provided, however, an
16 easement not less than ten (10) feet in width shall
17 be provided behind bulkheads where necessary to
18 provide access to outfalls.

19
20 2005.7.3. DRAINAGE EASEMENTS. Drainage easements shall be
21 provided where necessary at a width adequate to
22 accommodate the drainage facilities. A minimum
23 width of twelve (12) feet shall be provided for
24 underground storm drainage installations. Where
25 swales are used, the width shall be adequate to
26 accommodate the entire design section between tops
27 of slope. Where canals or ditches are permitted,
28 the width shall be adequate to accommodate drainage
29 facilities plus twenty (20) feet on one side for
30 maintenance purposes. Drainage easements shall be
31 provided to accommodate existing drainage of surface
32 waters from off-site contributory areas. When a
33 subdivision is traversed by existing canals,
34 watercourses, streams, drainage ways or channels,
35 there shall be provided a drainage easement or right
36 of way conforming substantially with the lines of
37 such watercourse and of such further width or
38 construction or both as will be adequate for the
39 purpose.

40
41 2005.8. CERTIFICATE OF COMPLIANCE FOR LOTS. When the finished
42 lot grading required by Subsection 2005.5.1 and 2005.5.4
43 is to be completed in conjunction with building construc-
44 tion, prior to issuance of the Certificate of Occupancy
45 the developer shall submit to the Building Department a
46 Certificate of Compliance from a Florida registered
47 professional surveyor, engineer, or landscape architect.
48 Such statement shall be in a form approved by the
49 Building Department and shall state that lot grading was
50 done in accordance with either the approved grading plan
51 for the subdivision or, in the absence of such plan, in
52 accordance with the applicable requirements of subsection
53 2005.5.1 and subsection 2005.5.4.

1
2 PART XXXII: Article 2006, Parks and Recreation Areas, of the Sub-
3 division Regulations, is hereby created to read as
4 follows:
5

6 2006. PARKS AND RECREATIONAL AREAS

7
8 2006.1. COUNTYWIDE REGIONAL, BEACH OR DISTRICT PARKS AND PRESER-
9 VATION/CONSERVATION AREAS. Where a planned beach,
10 regional, or district park; or preservation/conservation
11 area is shown on the County's Comprehensive Land Use Plan
12 and included in a current 5 Year Capital Improvement
13 Plan; and a proposed development is located in whole or
14 in part of said planned area, the developer shall be
15 required to reserve such area for a period not to exceed
16 two (2) years during which time the County shall either
17 acquire the property or release the reservation. Such
18 time period shall commence with an official action by the
19 Board of County Commissioners on the developers or
20 property owners petition for development of such area.
21

22 2006.1.1. In order to ensure sufficient lands or funds or both
23 to provide new regional, beach and district parks
24 necessary to meet the need for such County level
25 parks created by additional residential development,
26 the developer shall comply with the provisions of
27 the Palm Beach County Comprehensive Impact Fee
28 Ordinance, No. 89-18, Division 2, Section 22.41,
29 Palm Beach County Parks Impact Fees, as same may be
30 amended from time to time.
31

32 2006.2. ON SITE RECREATIONAL AREAS. In any proposed residential
33 development, adequate provisions shall also be made for
34 recreation areas to accommodate neighborhood and com-
35 munity park level recreational needs of the residents of
36 the development. The recreation areas shall consist of
37 a developed recreation area parcel and include recrea-
38 tional facilities of a type consistent with the needs of
39 the residents and having convenient access for the
40 residents of the development. The recreation area shall
41 be reserved by the developer for the perpetual use of the
42 residents of the development. The recreation area shall
43 be the perpetual maintenance responsibility of the
44 developer, or of a property owners association and their
45 successor.
46

47 2006.2.1. The on-site recreation requirements shall be met in
48 one of the following forms:
49

50 (a) The recreation area shall be the e-
51 quivalent of five (5) acres of land per
52 1,000 people population, based on 2.4
53 people per unit, in dollar value of land
54 and recreational facilities of a type

1 suitable for general neighborhood or
2 community park use of the residents of the
3 development. The Palm Beach County
4 Property Appraiser's assessed value of the
5 land, as adjusted at time of final sub-
6 division plan submission, shall be presumed
7 to be the value in the absence of better
8 evidence of value. In neither case shall
9 the land dedicated nor the recreational
10 facilities cost itself be credited for more
11 than 50% of the total requirement for the
12 recreational area of this section. The
13 value of the recreational facilities shall
14 be determined by a certified construction
15 cost estimate of the recreational
16 facilities, prepared by the developer's
17 engineer and verified by the Parks and
18 Recreation Department at the time of
19 application for the first plat of the
20 development. The requirements contained
21 in this paragraph may be waived if adequate
22 guarantee is provided prior to platting by
23 the developer for the dollar value of the
24 recreation areas required of this section.

25
26 (b) At the option of the Parks Department
27 the developer may in lieu of or in
28 combination with (a) above contribute
29 the dollar value of the recreational
30 area requirement of this section for
31 the entire development at the time the
32 first plat is submitted for recording.
33 Such funds shall be held in a non-
34 lapsing Park and Recreation Trust Fund
35 for the acquisition and improvement
36 of community or neighborhood parks
37 according to the provisions of Para-
38 graphs (b)(1) and (b)(2) of this
39 section.

40
41 (1) Monies deposited by a developer
42 pursuant to this section shall be
43 expended within a reasonable period
44 of time for the purpose of acquiring
45 and developing land necessary to meet
46 the need for neighborhood or com-
47 munity parks created by the develop-
48 ment in order to provide a system of
49 parks which will be available to and
50 substantially benefit the residents
51 of the developed area. In accordance

1 with the descriptions of neighborhood
2 and community parks contained in the
3 Comprehensive Plan, monies deposited
4 by a developer pursuant to this
5 section shall be expended to acquire
6 or develop land for these park
7 purposes not farther than five (5)
8 miles from the perimeter of the
9 developed land.

- 10
11 (2) The County Commission shall establish
12 an effective program for the acquisi-
13 tion of lands for development of
14 community parks in order to meet,
15 within a responsible period of time,
16 the existing need for community level
17 parks which will be created by further
18 residential developments constructed
19 after the effective date of this
20 Article. The annual budget and
21 capital program of the County shall
22 provide for appropriations of funds
23 as may be necessary to carry out the
24 County's program for the acquisition
25 of land for community level parks.
26 The funds necessary to acquire lands
27 to meet the existing need for County
28 level parks must be provided from a
29 source of revenue other than from the
30 amount deposited in the Trust Fund.

31
32 2003.2. OPEN SPACE CREDIT. Where developed recreational
33 facilities are provided within tracts required or
34 credited for other Open Space purposes under the
35 Zoning Code (i.e., buffer areas, natural preser-
36 ves, utility easements, rights of way, drainage or
37 water management tracts, etc.), only credit for the
38 cost of approved facilities may be applied towards
39 the recreation area requirement of Section 2006.2
40 only if the facilities are reserved for the use of
41 the residents of the development.

42
43 2003.3. OTHER CREDITS. Where private membership clubs,
44 golf courses, and other recreational related
45 facilities exclusive of a property owners associa-
46 tion are provided in conjunction with the develop-
47 ment, credit of one-half the requirement of Section
48 2006.2 for recreation areas on a per capita basis
49 for the entire development may be applied for those
50 facilities which are available for the use of the
51 residents of the development.

PART XXXIII: Article 2007, Wastewater Systems, of the Subdivision Regulations is hereby created to read as follows:

2007. WASTEWATER SYSTEMS

2007.1. GENERAL REQUIREMENT. Except in rural subdivisions, complete sewage collection system, sewage treatment and disposal shall be provided for all subdivisions. In the event individual sewerage facilities are allowed under requisite state and county regulations. The developer shall be required to deposit in escrow with the county for the purpose of constructing a sewage collection system, the amount of cash or a guarantee acceptable to the County equal to one hundred ten (110) per cent of the sewage collection system's estimated construction and installation cost. The entire sewage collection system and treatment plant must be engineered and coordinated with the County.

2007.2. CENTRAL SYSTEM. The sanitary sewage system shall be designed by a professional engineer, registered in the State of Florida, conforming to acceptable standards of sound practices for sewage collection systems and shall conform to all requirements of State and County authorities. The entire sewerage collection system must be engineered and coordinated with the County's overall plan. The appurtenances to the system shall be equal to or shall exceed the minimum requirements of the current County standards. Upon submittal of construction plans for a central sewage system as prescribed by this ordinance, the design engineer shall supply data, calculations and analyses showing important features affecting design including, but not limited to:

- (a) Number of units to be built;
- (b) The character of units and expected population or estimated flow of sewage from any unit designed for use other than domestic;
- (c) A flow chart indicating the number of proposed connections to the system and the anticipated flow of sewage to the sewer plant; and
- (d) Any other meaningful information necessary to arrive at estimates of amounts of character of sewage pertinent to the design.

2007.3. INDIVIDUAL SYSTEM. Where permitted, the individual sewage system shall meet the requirements of this

1 ordinance and all requisite State and County
2 authorities and laws and ordinances. Where an
3 absorption field is required, the lot shall be
4 designed, sized and developed to facilitate the
5 installation of the tank and absorption areas to
6 meet the requirements of all requisite State and
7 County authorities. The location of the system not
8 less than five (5) feet from any building, not less
9 than five (5) feet from any property line and not
10 less than ten (10) feet from water supply pipelines.
11 The system shall not be located less than fifty (50)
12 feet from the recurring high water line of lakes,
13 streams, canals or other waters. The installation
14 of the system shall be in areas having acceptable
15 soil classifications and percolation tests meeting
16 the requirements of the Florida Administrative Code.

17
18 2007.4.

19 WASTEWATER TREATMENT AND PROCESSING PLANTS.
20 Construction plans and specifications for sewage
21 treatment and processing plants to serve a proposed
22 subdivision shall be engineered and coordinated
23 with the County's comprehensive plan and shall
24 comply with the all requisite laws and ordinances.
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1 PART XXXIV: Article 2008, Potable Water Systems, of the Subdivision
2 Regulations is hereby created to read as follows:
3

4 2008. POTABLE WATER SYSTEMS.
5

6 2008.1. GENERAL REQUIREMENT. A complete water distribution and
7 treatment system shall be provided for all subdivisions.
8 In the event individual water facilities are allowed
9 under requisite state and County regulations, the
10 developer shall be required to deposit in escrow with
11 the County for the purpose of constructing a water
12 distribution and treatment system, the amount of the
13 cash or a guarantee acceptable to the County equal to one
14 hundred ten (110) per cent of the system's estimated
15 construction and installation costs. The entire system
16 must be engineered and coordinated with the applicable
17 County agency.
18

19 2008.2. CENTRAL WATER SYSTEM. The design of a central water
20 system shall conform to the acceptable standards of sound
21 practices for municipal water supply and fire protection
22 systems. The system shall be designed to provide maximum
23 day domestic requirements set forth in the comprehensive
24 plan. The system shall be designed with minimum four (4)
25 inch mains. Water mains shall be required on all streets
26 and shall be looped. Sufficient storage for emergency
27 pumping facilities shall be provided in accordance with
28 the comprehensive plan. Materials used shall be accep-
29 table to the County Engineer. The distribution system
30 shall provide connections to each individual not shown
31 in the subdivision, to each public facility and where
32 median strips are developed. The appurtenances to the
33 system shall be equal to or exceed those required by
34 current county standards. Plans for the system shall be
35 fully approved by all requisite State and County authori-
36 ties.
37

38 2008.3. INDIVIDUAL WATER SYSTEM. Where an individual water
39 system is permitted the lots shall be designed to
40 facilitate the system so that a well can be permitted in
41 accordance with Environmental Control Rule I of the
42 County and other requisite State laws and regulations.
43

44 2008.4. WATER TREATMENT AND PROCESSING PLANTS. Construction
45 plans and specifications for water treatment and pro-
46 cessing plants to serve a proposed subdivision shall be
47 engineered and coordinated with the applicable County
48 agency.
49

PART XXXV: Article 2009, Utilities, of the Subdivision Regulations is hereby created to read as follows:

2009. UTILITIES

2009.1. REQUIRED IMPROVEMENT. All utilities, including franchised utilities, power and light, telephone and telegraph, water, sewer, cable television wiring to street lights and gas shall be installed underground, unless such requirement is waived by the County Engineer, as provided in this Article. Utilities shall be constructed in easements as prescribed by this Article. The developer shall make arrangements for utilities installation with each of the persons, firms or corporations furnishing utility service involved.

2009.2. EASEMENTS. Utility easements twelve (12) feet wide shall be provided where necessary to accommodate all required utilities across lots and shall have convenient access for maintenance. Where possible easements shall be centered on lot lines. Where possible, utility easements should be provided for underground utilities across the portion(s) of the lot abutting a street or parking area. When a utility easement is to abut a street, the width may be reduced to ten (10) feet. Additional utility easements may be required by the county when, in the opinion of the County Engineer, such easements are necessary for continuity of utility service between subdivisions or other development and where necessary for maintenance and service. Utility easements and drainage easements shall not be combined. Where crossings occur, drainage easements shall take precedent. Easements shall be coordinated with requisite utility authorities and shall be provided as prescribed by this ordinance for the installation of underground utilities or relocating existing facilities in conformance with the respective utility authority's rules and regulations.

2009.3. APPLICATION OF ARTICLE. This Article shall apply to all cables, conduits or wires forming parts of an electrical distribution system including service lines to individual properties and main distribution feeder electrical lines delivering power to local distribution systems. This Article shall not, however, apply to wires, conduits or associated and supporting structures whose exclusive function is in transmission or distribution of electrical energy between subdivisions, generating stations, substations and transmission lines of other utility systems, or perimeter lines located adjacent to a subdivision.

2009.4. EXCEPTIONS TO UNDERGROUND INSTALLATION.

1 2009.4.1. Standard Exception for Appurtenant, On The Ground
2 Facilities. Appurtenances such as transformer
3 boxes, pedestal mounted terminal boxes, meter
4 cabinets, service terminals, telephone splice
5 closures, pedestal type telephone terminals or other
6 similar "on the ground" facilities normally used
7 with and as a part of the underground distribution
8 system may be placed above ground, but shall be
9 located so as not to constitute a traffic hazard.

10
11 2009.4.2. Exceptions Requiring Approval of County Engineer.
12 All other proposals for above-ground installation
13 of utilities shall be submitted to the County
14 Engineer at the time of the preliminary submittal.
15 Such request shall be made in writing and noted on
16 the construction plans. The County Engineer shall,
17 at the time of the preliminary review, consider the
18 request and all pertinent information, including but
19 not limited to the construction plans, existing
20 installations, and other information he deems
21 necessary. The request shall be either approved or
22 denied. Any approval granted pursuant to this
23 subsection shall be set forth in writing, which may
24 be by separate statement to the developer and the
25 developer's engineer or may be part of the County
26 Engineer's response to the preliminary review.

27
28 2009.4.2.1. Any new service which, by virtue of an
29 approved waiver made pursuant to this
30 Article, is allowed to be supplied by
31 overhead utilities shall be connected to
32 a service panel that is convertible for
33 underground utility service at a future
34 date.

35
36 2009.5. INSTALLATION IN STREETS. After the subgrade for a street
37 has been completed, and before any material is applied,
38 all underground work for the water mains, sanitary
39 sewers, storm sewers, gas mains, telephone, electrical
40 power conduits and appurtenances and any other utility
41 shall be installed completely through the width of the
42 street to the sidewalk area or provisions made so that
43 the street will not be disturbed for utility instal-
44 lation. All underground improvements installed for the
45 purpose of future service connections shall be properly
46 capped and backfilled.
47

1 PART XXXVI: Article 2010, Fire Rescue Services, of the Subdivision
2 Regulations is hereby created to read as follows:
3
4

5 2010. FIRE RESCUE SERVICES.
6

7 2010.1. REQUIRED IMPROVEMENT. Fire hydrants shall be provided
8 in all subdivisions, where central water systems are
9 provided. Fire hydrants shall be provided in the manner
10 prescribed in this Ordinance.
11

12 2010.2. SINGLE FAMILY DEVELOPMENTS OF LESS THAN FIVE (5) UNITS
13 PER ACRE. Fire hydrants shall be spaced no greater than
14 six hundred (600) feet apart and not more than three
15 hundred (300) feet to the center of any lot in the
16 subdivision and shall be connected to mains no less than
17 six (6) inches in diameter. The system shall provide
18 capability for fire flow of at least seven hundred (700)
19 gallons per minute in addition to a maximum day require-
20 ment at pressures of not less than twenty (20) pounds per
21 square inch.
22

23 2010.2.1. The system shall have the capability of sufficient
24 storage or emergency pumping facilities to such an
25 extent that the minimum fire flow will be maintained
26 for at least four (4) hours or the current recommen-
27 dations of the insurance services office, whichever
28 is greater.
29

30 2010.3. MULTIPLE FAMILY DEVELOPMENTS OF OVER FIVE (5) DWELLING
31 UNITS PER ACRE, COMMERCIAL, INSTITUTIONAL, INDUSTRIAL OR
32 OTHER HIGH DAYTIME OR NIGHTTIME POPULATION DENSITY
33 DEVELOPMENTS. In these areas fire hydrants shall be
34 spaced no greater than five hundred (500) feet apart and
35 the remotest part of any structure shall not be more than
36 three hundred (300) feet from the hydrant and shall be
37 connected to mains no less than six (6) inches in
38 diameter. Fire flow shall be provided at flows not less
39 than 1200 gallons per minute in addition to a maximum
40 day requirement at pressures of not less than thirty (30)
41 pounds per square inch.
42

43 2010.4. Charges made for the use of the fire hydrant or water
44 consumed therefrom when a fire protection authority uses
45 the fire hydrant in the performance of its official duty
46 shall be as regulated by the Public Service Commission.
47
48
49

PART XXXVII: Article 2011, Subdivision Design and Survey Requirements, of the Subdivision Regulations is hereby created to read as follows:

2011. SUBDIVISION DESIGN AND SURVEY REQUIREMENTS

2011.1. REQUIRED IMPROVEMENT. The Developer shall install the required buffering and, when recording a plat, shall comply with Section 2011.7.

2011.2. BUFFERING. Residential developments shall be buffered and protected from adjacent expressways, arterials and railroad rights of way with a five (5) foot limited access easement, which shall be shown and designated on the plat, except where access is provided by means of a marginal access road or where such expressway, arterial or railroad right of way abuts a golf course.

2011.3. BLOCKS

2011.3.1. General Considerations. The length, width and shape of BLOCKS shall be determined with due regard to:

- (a) provision of adequate BUILDING sites suitable to the special needs of the type of use contemplated;
- (b) zoning requirements as to LOT size and dimensions;
- (c) need for convenient ACCESS, circulation, control and safety of vehicular and pedestrian traffic; and
- (d) Limitations and opportunities of topography.

2011.3.2. Maximum Length: BLOCK lengths shall not exceed one thousand three hundred twenty (1320) feet between intersecting STREETS. Provided, however, that greater lengths may be approved by the County Engineer on an individual basis after considering such factors as but not limited to, lot size, the ADT, number of through streets, street layout and other engineering considerations, in accordance with acceptable engineering practices.

2011.4. LOTS. All lots shall have the area, frontage, width and depth required by the Zoning Code or applicable zoning approval. prevailing or approved use zone wherein aid lots are located.

- 1 2011.4.1. Existing structures. When a subdivision is proposed
2 upon land with existing structures that are proposed
3 to be retained, LOTS are to be designed to as not
4 to cause said existing structures to become noncon-
5 forming with respect zoning requirements.
6
7 2011.4.2. Lots abutting Major Streets. When LOTS are platted
8 abutting a Major Street, or Non-Plan Collector
9 ACCESS shall be provided by and limited to LOCAL
10 STREETS or Residential Access Streets. No ACCESS
11 from individual LOTS shall be permitted directly to
12 a Major Street.
13
14 2011.4.3. Through Lots. Double frontage LOTS or through LOTS
15 shall be avoided except where essential to provide
16 separation of residential development from traffic
17 arteries or to overcome specific disadvantages of
18 topography or orientation. Where double frontage
19 LOTS are developed they shall be buffered as
20 required by this ordinance and Zoning Code.
21
22 2011.5. MINIMUM SAFE SIGHT DISTANCE AT INTERSECTIONS. Corner LOT
23 lines at intersecting street lines shall be the long
24 chord of a twenty-five (25) foot radius or of a greater
25 radius where deemed necessary. The corner LOTS shall be
26 designed to facilitate a safe intersection with respect
27 to a SIGHT DISTANCE, and a restriction shall be placed
28 on the LOT and defined on the plat prohibiting construc-
29 tion or plantings over three 30 inches high within the
30 sight plan established in the design of the LOT or
31 adjacent STREET, based on the crown elevation of the
32 STREET.
33
34 2011.6. SOILS. The plan shall show the location and results of
35 test borings of the subsurface conditions of the tract
36 to be developed. When nonpervious soils (hardpan or
37 other nonpervious soils) or unstable soils (peat, muck,
38 etc.) are encountered the plan shall reflect a satisfac-
39 tory design to cope with such conditions. If the soil
40 analysis reflects that the area contains hardpan or other
41 nonpervious soils or contains peat, muck or other
42 unstable materials, the County Engineer shall require
43 such additional design and construction as are neces-
44 sary to assure proper drainage and development of the
45 area. Test locations shall be mutually determined by the
46 developer's engineer and the County Engineer and shall
47 be recorded as to location and result on the construction
48 plans.
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2011.7. SURVEY REQUIREMENTS.

2011.7.1. Where monuments occur within street pavement areas, they shall be installed in a typical water value cover as prescribed in the current County Standards.

2011.7.2. Permanent Control Points shall be installed as follows:

(a) Installation prior to recordation: Where required improvements are constructed prior to the recordation of the plat, the permanent control points shall be set prior to submission of the final plat and certified by the surveyor on the plat.

(b) Installation after recordation: Where required improvements are constructed after recordation, the permanent control points shall installed within one (1) year of recording the plat and shall be guaranteed as required by Subsection 2002.1.9. In such case, the surveyor's certificate shall comply with paragraph 2001.2.15.(c).

1 PART XXXVIII: Article XVII, Variances and Exceptions, of the Sub-
2 division Regulations is hereby transferred to Article
3 3000, renumbered and amended to read as follows:
4

5 3000. ~~ARTICLE XVII:~~ VARIANCES AND EXCEPTIONS
6

7 3000.1. ~~SECTION I: ADMINISTRATION OF VARIANCES. When because of~~
8 ~~the size of the tract to be subdivided, its topography,~~
9 ~~the conditions or nature of adjoining areas or the~~
10 ~~existence of other unusual physical conditions, a~~
11 ~~variance from A variance from the literal or strict~~
12 ~~enforcement of the provisions of this ordinance may be~~
13 ~~granted by the Board of Adjustment in accordance with the~~
14 ~~provisions set forth in Section 403 of the Zoning Code.~~
15 ~~would cause an unusual, exceptional, unnecessary or~~
16 ~~result in real difficulties or undue hardship or injus-~~
17 ~~tice, the Board after report by the Subdivision Commit-~~
18 ~~tee and the County Engineer may vary or modify the~~
19 ~~requirements set forth herein. Such variances shall not~~
20 ~~be granted if it has the effect of nullifying the intent~~
21 ~~and purposes of this ordinance. In granting variances,~~
22 ~~the Board may require such conditions as will secure~~
23 ~~insofar as practical, the objectives of this ordinance.~~
24

25 3000.2.A. Variances shall not be granted unless a written applica-
26 tion for a variance has been submitted to the County
27 Engineer demonstrating:
28

- 29 1- (a) that special conditions and circumstances exist
30 which are peculiar to the land; ~~involved and which~~
31 ~~are not applicable to other lands.~~
32
33 2- (b) that a literal interpretation of the provisions of
34 this ordinance would deprive the applicant of rights
35 commonly enjoyed by other properties; .
36
37 3- (c) ~~that the special conditions and circumstances do not~~
38 ~~result from the actions of the applicant, the~~
39 ~~hardship claimed by the applicant is not self~~
40 ~~created, nor has been aggravated by the actions of~~
41 ~~the applicant;~~
42
43 4. (d) that the granting of the variances requested will
44 not confer on the applicant any special privilege
45 that is denied by this ordinance to other lands.
46 No preexisting conditions ~~or neighboring lands which~~
47 ~~are contrary to of surrounding lands which conflict~~
48 ~~with this ordinance shall be considered grounds for~~
49 ~~the issuance of a variance; .~~
50
51 (e) that the variance granted is the minimum variance
52 required to make reasonable use of the land;
53

- 1 (f) that the variance will be in harmony with the
2 general intent of the ordinance; and
3
4 (g) that the variance will not create an unsafe condi-
5 tion or be otherwise detrimental to the public
6 welfare.
7

8 B. ~~To consider the recommendations of the Subdivision Committee, the~~
9 ~~Board shall set a public hearing on the proposed variance. The Board~~
10 ~~shall make findings.~~
11

- 12 1. ~~That the requirements of this section have been met.~~
13
14 2. ~~That the reasons set forth in the application~~
15 ~~justify the granting of the variance and that the~~
16 ~~variance is the minimum variance that would make~~
17 ~~possible the reasonable use of the land.~~
18
19 3. ~~That the granting of the variance would be harmony~~
20 ~~with the general purpose and intent of this or-~~
21 ~~dinance; would not be injurious to the surrounding~~
22 ~~territory; would not impair the desirable general~~
23 ~~development of the neighborhood or the community,~~
24 ~~as proposed in the comprehensive plan; or otherwise~~
25 ~~be detrimental to the public welfare.~~
26
27 4. ~~In granting any variance the Board may prescribe and~~
28 ~~require appropriate conditions and safeguards in~~
29 ~~conformity with this ordinance. Any variance~~
30 ~~granted by the Board shall be noted in its official~~
31 ~~minutes along with the reasons which justify the~~
32 ~~granting thereof and any required conditions and~~
33 ~~safeguards. Upon the granting of a variance, the~~
34 ~~conditions and safeguards placed upon the variance~~
35 ~~by the Board shall be enforced by the County~~
36 ~~Engineer and shall be considered as part of the~~
37 ~~provisions of this ordinance.~~
38

39 SECTION II: EXCEPTIONS
40

41 The requirements as outlined in this ordinance may be modified by
42 the Board in the case of a plan and program for a complete community,
43 which in the judgement of the Board provides adequate public space and
44 improvements for the circulation, recreation, light, air and service
45 needs of the tract when fully developed and populated, and which also
46 provides such covenance or other legal provisions as will assure
47 conformity to and implementation of the plan. In granting such modifi-
48 cations, the Board shall require such reasonable conditions and safe-
49 guards as will secure substantially the objectives and standards of
50 this ordinance. Before granting such exceptions, the plan and program
51 shall be in the appropriate zoning district, comply with the
52 comprehensive land use plan, have prior approval of the Planning
53 Commission and the Subdivision Committee. Upon compliance with the
54 foregoing, a public hearing shall be held by the Board.

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SECTION III: APPEALS

Any person, firm or corporation claiming to be injured or aggrieved by any final action of the Board may present to the Circuit Court of the County, a petition for a writ of certiorari to review such final action as provided by the Florida appellant rules. Such petition shall be presented to such court within thirty (30) days after the date of such final action by the Board. Final action shall not include Planning Commission recommendations made to the Board.

1 PART XXXIX: Article XVIII, Penalties and Prohibitions, all of the
2 Subdivision Regulations is transferred to Article 3001,
3 renumbered and amended to read as follows:
4
5

6 3001. ~~ARTICLE XVIII:~~ PENALTIES AND PROHIBITIONS
7
8

9 3001.1. ~~SECTION I:~~ SALE OR TRANSFER OR PROPERTY NOT IN CON-
10 FORMANCE WITH THIS ORDINANCE. It shall be unlawful for
11 anyone who is the owner or agent of the owner of any
12 land to transfer, sell, agree to sell, or negotiate to
13 sell such land by reference to, exhibition of or other
14 use of a plat of a subdivision of such land without
15 having submitted a plan and plat of such subdivision for
16 approval as required by this ordinance and without
17 having recorded the approved subdivision plat as
18 required. If such unlawful use be made of a plat before
19 it is properly approved and recorded, the owner or agent
20 of the owner of such land shall be guilty of a mis-
21 demeanor of the first degree, punishable as provided in
22 Section 775.082 or Section 775.083, Florida Statutes.
23

24 3001.1.1. The Board of County Commissioners may bring injunc-
25 tive action to enjoin such transfer, sale or
26 agreement.
27

28 3001.1.2. Failure to comply with the provisions of this
29 section shall not impair the title of land so
30 transferred or affect the validity of the title
31 conveyed. However, a purchaser of land sold in
32 violation of this section shall, within one year
33 from the date of purchase thereof, be entitled to
34 bring an appropriate action to avoid such sale or
35 to bring action against the seller for any damages
36 which he suffers as a result of the seller's
37 unlawful act, or both.
38

39 ~~Section II. [reserved]~~
40

41 PART XL: Article XIX, Legal Status, of the Subdivision Regulation is
42 transferred to Article 3002, renumbered and amended to read
43 as follows:
44

45 3002. ~~ARTICLE XIX:~~ LEGAL STATUS
46

47 3002.1. ~~SECTION I:~~ SEVERABILITY. If any section, part of a
48 section, paragraph, sentence, clause, phrase or word of
49 this ordinance is for any reason held or declared to be
50 unconstitutional, inoperative or void, such holdings of
51 invalidity shall not affect the remaining portions of
52 this ordinance and it shall be construed to have been the
53 legislative intent to pass this ordinance without such
54 unconstitutional, invalid or inoperative part therein,
55

1 and the remainder of this ordinance after the exclusion
2 of such part or parts shall be deemed to be held valid
3 as if such part or parts had not been included therein,
4 or if this ordinance or any of the provisions thereof
5 shall be held inapplicable to any person, group of
6 persons, property, kind of property, circumstances or set
7 of circumstances, such holdings shall not affect the
8 applicability thereof to any person, property or cir-
9 cumstances.

10
11 3002.2. ~~SECTION II.~~ EFFECTIVE DATE. The provisions of this
12 ordinance shall become effective upon receipt from the
13 Department of State of official acknowledgement that this
14 ordinance has been filed with the Department of State.
15 Provided, however, where any provisions of this ordinance
16 are amended, the effective date of this ordinance shall
17 mean the effective date of such amendment for the
18 purposes of deciding any question directly controlled by
19 such amendment.

20
21 3002.3. ~~SECTION III.~~ INCLUSION IN CODE. It is the intent of the
22 Board and is hereby ordained, that the provisions of this
23 ordinance shall become and be made a part of the Code of
24 Laws and Ordinances of Palm Beach County, Florida; that
25 the sections of this ordinance may be renumbered or
26 relettered to accomplish such intentions; and the word
27 "ordinance" may be changed to "section," "article," or
28 other appropriate word.

29
30 3002.4. ~~SECTION IV.~~ CONFLICTING REGULATIONS REPEALED. All
31 special laws applying to and within the County, general
32 laws applying only to Palm Beach County, and general law
33 which the Board of County Commissioners is specifically
34 authorized by Article VIII of the 1968 Florida Constitu-
35 tion to supercede, nullify or amend, and any local
36 ordinance and resolution in conflict with any provision
37 of this ordinance are hereby repealed, including but not
38 limited to Section 1, Special Acts, Chapter 69-1425,
39 1969, and Sections 20, 21 and 22, Special Acts, Chapter
40 57-1691.
41
42
43

PART XLI:

Appendix 1, [Table of] Time of Concentration-Minutes, Appendix 12 [reserved], and Appendix 15A, Application for Special Exception Subdivision all of the Subdivision Regulations are hereby deleted in their entirety, and all the rest and remainder of the appendix to the Subdivision Regulations is hereby transferred to Article 4000, renumbered and amended to read:

4000.

STANDARD FORMS. The forms contained in the following sections have been approved by the Board as a standard form. All agreements, guarantees and documents are subject to the approval of the County Attorney. Any alternate form may be approved by the Board, provided the County Attorney has first approved such alternate form in writing.

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APPENDIX 1 - TABLE
PASTE ON COPY FROM CODIFIED ORD.

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APPENDIX 2
4000.1
DEDICATION AND RESERVATION

(CORPORATE)

KNOW ALL MEN BY THESE PRESENTS that _____ [Corporate name] a _____ [State] corporation, owner of land shown hereon, being Section _____, Township _____, Range _____, Palm Beach County, Florida, shown hereon as _____ [Subdivision name] being more particularly described as follows:

-OR-

(INDIVIDUAL)

KNOW ALL MEN BY THESE PRESENTS that _____ [name(s)] owners[s] of the land hereon, being in Section _____, Township _____, Range _____, Palm Beach County, Florida, shown hereon as _____ [Subdivision name] being more particularly described as follows:

(Description)

have caused the same to be surveyed and platted as shown hereon and do hereby dedicate as follows:

1. Streets:

The streets as shown are hereby dedicated to the Board of County Commissioners of Palm Beach County, Florida, for perpetual use of the public for proper purposes.

-OR-

That tracts for private road purposes as shown are hereby dedicated reserved to the _____ [name] [Property Owners'] [Homeowners'] [Condominium] [Cooperative] Association and are the perpetual maintenance obligation of said association.

2. Alleys:

The alleys as shown are hereby dedicated reserved to the Board of County Commissioners of Palm Beach County, Florida, for perpetual use of the public for proper purposes.

-OR-

That tracts for private alleys as shown are hereby dedicated to the _____ [name] [Property Owner'] [Homeowners'] [Condominium]

1 [Cooperative Apartment] Association and are the perpetual maintenance
2 obligation of said association.
3

4 3. Access Waterways:

5
6 The access waterways as shown are hereby dedicated to the Board of
7 County Commissioners of Palm Beach County, Florida, for the perpe-
8 tual use of the public for proper purposes.
9

10 -OR-

11 The access waterways as shown are hereby dedicated to the [name]
12 [Property Owner'] [Homeowners'] [Condominium] [Cooperative Apartment]
13 Association and are the perpetual maintenance obligation of said
14 association.
15

16
17 4. Easements:

18 a. Utility and Drainage Easements: The utility easements and
19 drainage easements as shown are hereby dedicated in perpetuity
20 for the construction and maintenance of utilities and drainage.
21

22 b. Limited Access Easements: The limited access easements as shown
23 are dedicated to the Board of County Commissioners of Palm Beach
24 County, Florida, for the purposes of control and jurisdiction
25 over access rights.
26

27
28 5. Water Management Tracts/Drainage Rights of Way:

29 The water management tracts and/or drainage rights of way as shown
30 are dedicated to the [Board of County Commissioners of Palm Beach
31 County, Florida] [[name] Drainage District] -or-
32 reserved to [[name]] [Homeowners' Association]
33 [[name] Condominium Association] [[name]
34 Cooperative Apartment Association] for the proper purposes
35 and are the perpetual maintenance obligation of said [Board of County
36 Commissioners] [Drainage District] [Association].
37

38
39 6. Recreation Areas:

40 The recreation areas as shown are hereby dedicated to the Board of
41 County Commissioners of Palm Beach County, Florida, for the perpetual
42 use of the public for proper purposes.
43

44 -OR-

45 The recreation areas as shown are hereby dedicated reserved to
46 [name] [Property Owners'] [Homeowners'] [Condominium] [Cooperative
47 Apartment] Association and are the perpetual maintenance obligation
48 of said association.
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(CORPORATE)

IN WITNESS WHEREOF, the above-named corporation has caused these presents to be signed by its [President or Vice-President] and attested by its [other corporate officer] and its corporate seal to be affixed hereto by and with the authority of its Board of Directors, this _____ day of _____, 19____.

[Corporate Name] _____, a
corporation of the State of _____ [name]
By [Signature of President or V. Pres.]
[typed name and title of officer]

ATTEST:

[Signature of other corporate officer]
[typed name and title of officer]

[Impressionable]
(CORPORATE SEAL)

(INDIVIDUAL)

IN WITNESS WHEREOF, [I] [We] _____ [name(s)] _____ do hereunto set [I]
[Our] hand[s] and seal[s] this _____ day of _____, 19____.

[witness]

[witness]

[name]
[Typed name]

[name]
[Typed name]

APPENDIX 3
4000.2
TITLE CERTIFICATION

STATE OF FLORIDA)
COUNTY OF)

(I) (We), _____, (a duly licensed attorney in the State of Florida) (a title insurance company, duly licensed in the State of Florida) do hereby certify that (I) (We) have examined the title to the hereon described property; that (I) (We) find the title to the property is vested to _____ (individual/Corporation) that the current taxes have been paid; and [that (I) (We) find that the property is free of encumbrances] or, if applicable [that the property is encumbered by the mortgages shown hereon; and that (I) (We) find that all mortgages are shown and are true and correct] and/or if applicable [the property is found to contain deed reservations which are not applicable and do not affect the subdivision of the property].

(I) (We), _____, (a duly licensed attorney in the State of Florida) (a title insurance company, duly licensed in the State of Florida) do hereby certify that (I) (We) have examined the title to the hereon described property; that (I) (We) find the title to the property is vested to (individual/Corporation) that the current taxes have been paid; and

[the following shall also be included in the certificate when and as applicable:]

that (I) (We) find that the property is free of encumbrances

that the property is encumbered by the mortgages shown hereon;

that (I) (We) find that all mortgages are shown and are true and correct; and

that the property is found to contain deed reservations which are not applicable and do not affect the subdivision of the property.

(Attorney-at-law licensed in Florida)

(or)

(Officer of title insurance company licensed in Florida)

APPENDIX 4
4000.3
SURVEYOR'S CERTIFICATE

When P.C.P.s to be installed prior to platting:

This is to certify that the plat shown hereon is a true and correct representation of a survey made under my responsible direction and supervision; and that said survey is accurate to the best of my knowledge and belief; and that (P.R.M.'s) Permanent Reference Monuments and (P.C.P.'s) Permanent Control Points have been placed as required by law; and, further, that the survey data complies with all the requirements of Chapter 177 Florida Statutes, as amended, and the ordinances of Palm Beach County, Florida.

When P.C.P.s to be installed after platting:

This is to certify that the plat shown hereon is a true and correct representation of a survey made under my responsible direction and supervision; that said survey is accurate to the best of my knowledge and belief; that (P.R.M.'s) Permanent Reference Monuments have been placed as required by law and that (P.C.P.'s) Permanent Control Points will be set under the guarantees posted with the Palm Beach County Board of County Commissioners for the Required Improvements; and, further, that the survey data complies with all the requirements of Chapter 177 Florida Statutes, as amended, and ordinances of Palm Beach County, Florida.

(name) _____
Registered Surveyor No. _____
State of Florida _____

APPENDIX-5
4000.4
MORTGAGEE'S CONSENT

STATE OF _____:

COUNTY OF _____:

The undersigned hereby certifies that it is the holder of [a] mortgage[s], lien[s], or other encumbrance[s] upon the property described hereon and does hereby join in and consent to the dedication of the land described in said dedication by the owner thereof and agrees that its mortgage[s], lien[s], or other encumbrance[s] which [is] [are] recorded in Official Record Book _____ at pages[s] _____ of the public records of Palm Beach County, Florida, shall be subordinated to the dedication shown hereon.

(CORPORATE)

IN WITNESS WHEREOF, the said corporation has caused these presents to be signed by its _____ [President or Vice President] and attested to by its _____ [other corporate officer] and its corporate seal to be affixed hereon by and with the authority of its Board of Directors this _____ day of _____, 19____.

_____, [corporate name], a
corporation of the State of _____ [name]

By: [Signature of President or V. President]
[Typed name and title of officer]

ATTEST:

[Signature of other corporate officer]
[Typed name and title of officer]

(Impressionable)

(CORPORATE SEAL)

(INDIVIDUAL)

1 IN WITNESS WHEREOF [I] [We] _____ [name(s)] _____ do hereunto
2 set [my] [our] hand[s] and seal[s] this _____ day of _____
3 19 _____.
4

5 WITNESS:

6 _____ [Signature] _____
7

8 [typed name]
9

10 _____ [Signature] _____
11

12 [typed name]
13

14 ACKNOWLEDGEMENT ~~(See Appendix 7)~~
15

APPENDIX 6
4000.5
APPROVALS

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA:

This plat is hereby approved for record this ____ day of _____,
19____.

By: _____
(typed name) Chairman

ATTEST:

JOHN B. DUNKLE, Clerk

By: _____
Deputy Clerk

COUNTY ENGINEER:

This plat is hereby approved for record this ____ day of _____,
19____.

(typed name) County Engineer

APPENDIX 7
4000.6
ACKNOWLEDGEMENTS

(CORPORATION)

STATE OF _____
COUNTY OF _____

BEFORE ME personally appeared _____ and
_____, to me well known, and known to me to be the
individuals described in and who executed the foregoing instrument as [Vice]
President and _____ of the
_____, a corporation, and severally acknowledged
to and before me that they executed such instrument as such officers of said
corporation, and that the seal affixed to the foregoing instrument is the
corporate seal of said corporation and that it was affixed to said instrument
by due and regular corporate authority, and that said instrument is the free act
and deed of said corporation.

WITNESS my hand and official seal this _____ day of
_____, 19____.

My commission expires:

[Signature]

Notary Public

(Impressionable Seal)

(INDIVIDUAL)

STATE OF _____
COUNTY OF _____

BEFORE ME personally appeared _____ to
me well known and known to me to be the person[s] described in and who executed
the foregoing instrument, and acknowledged before me that [he] [she] [they]
executed said instrument for the purposes expressed therein.

WITNESS my hand and official seal this _____ day
of _____, 19____.

My commission expires:

[Signature]

Notary Public

(Impressionable Seal)

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APPENDIX-8
4000.7
CONTRACT FOR CONSTRUCTION OF REQUIRED IMPROVEMENTS

THIS CONTRACT, Number _____, by and between:

_____, a corporation of
the State of _____,

-OR-

_____, an individual,
hereinafter referred to as DEVELOPER:

and

PALM BEACH COUNTY, a political subdivision of the State
of Florida, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, the Subdivision and Platting Required Improvements Regulations of
Palm Beach County, Florida, Ordinance No. 73-4, as amended, establishes procedures
and standards for the development and subdivision of real estate and for the
surveying and platting thereof; requiring the installation of certain improvements
and providing penalties for violations, among other things; and

WHEREAS, a final plat of a subdivision within the unincorporated areas of
Palm Beach County shall not be recorded until the developer has installed the
Required Improvements or has guaranteed to the satisfaction of the County such
improvements will be installed; and

WHEREAS, DEVELOPER is commencing proceedings to effect a subdivision of land
in Palm Beach County, Florida; and

WHEREAS, DEVELOPER requests the recording of a certain plat of a subdivision
in Palm Beach County, to be known as _____; and

WHEREAS, the Required Improvements of said subdivision are to be installed
after recordation of said plat under guarantees posted with the County;

NOW, THEREFORE, in consideration of the intent and desire of the DEVELOPER
as set forth herein, and to gain approval of the COUNTY to record said plat, the
DEVELOPER and COUNTY agree as follows:

1 1. The DEVELOPER agrees to complete within twenty-one (21) months after the
2 date of issuance of the Land Development Permit the Required improvements the
3 subdivision to be known as _____, according to the construc-
4 tion plans approved by the County Engineer, and on file in the Office of the
5 County Engineer, specifically identified as:

6
7 2. The DEVELOPER, in accordance with the requirement established by the
8 Subdivision and Platting Regulations of Palm Beach County, tenders to the COUNTY
9 a guarantee or surety, specifically identified as:

10 A Letter of Credit, Number _____, dated _____
11 with _____ as Surety, by order of _____,
12
13

14 -OR-

15 A Performance Bond, dated _____, with
16 _____ as Principal and _____ as Surety,
17
18

19 -OR-

20 A Cash Bond, dated _____, with _____ as
21 Principal.

22 in the amount of _____ DOLLARS (\$ _____),
23 which amount is not less than the certified estimate submitted by the DEVELOPER'S
24 engineer and approved by the County Engineer as the cost of said Required
25 Improvements as shown on the said approved construction plans.
26

27
28 3. The guarantee or surety bond as set forth herein and prescribed by the
29 Subdivision and Platting Required Improvements Regulations of Palm Beach County
30 is required by this contract and attached hereto and by reference made a part
31 hereof.
32

33 4. In the event the DEVELOPER shall fail or neglect to fulfill his obligations
34 under this contract and as required by the Subdivision and Platting Required
35 Improvements Regulations of Palm Beach County, the DEVELOPER, as principal, and
36 the surety shall be jointly and severally liable to pay for the cost of con-
37 struction and installation of the Required Improvements to the final total cost,
38 including but not limited to engineering, legal and contingent costs, together
39 with any damages, either direct or consequential, which the COUNTY may sustain
40 as a result of the failure of the DEVELOPER to carry out and execute all the
41 provision of this contract and the provisions of the Subdivision and Platting
42 Required Improvements Regulations of Palm Beach County.
43

44 5. The DEVELOPER, as principal, and the surety further jointly and severally
45 agree that the COUNTY, at its option, shall have the right to construct and
46 install or, pursuant to public advertisement and receipt of bids, cause to be
47 constructed and installed the Required Improvements in case the DEVELOPER fails
48 or refuses to do so in accordance with the terms of this contract. The DEVELOPER,
49 as principal, and the COUNTY the total cost thereof.
50
51

1 6. COUNTY agrees to record said plat at such time as the plat complies with
2 the provisions set forth by the Subdivision and Platting Required Improvements
3 Regulations of Palm Beach County and has been approved in the manner prescribed
4 therein.
5

6 This contract shall become effective upon the date of execution by the
7 Chairman or Vice Chairman of the Board of County Commissioners.
8

9 (CORPORATE SIGNATURE BLOCK)

10
11
12 A corporation of the State of _____,
13 DEVELOPER
14

15
16 ATTEST:

17 By: (Signature of president or vice president
18 (typed name and title)

19 (Signature of other corporate officer)
20 (typed name and title)

21 DATE: _____
22

23 (Impressionable Corporate Seal)
24

25
26 (INDIVIDUAL SIGNATURE BLOCK)
27

28
29 _____
30 (typed name) DEVELOPER

31 WITNESSES:
32

33 DATE: _____
34
35 _____
36

37
38 ATTEST:

39 JOHN B. DUNKLE, Clerk
40

41 PALM BEACH COUNTY, FLORIDA BY
42 ITS BOARD OF COUNTY COMMISSIONERS

43 By: _____
44 Chairman

45 By: _____
46 Deputy Clerk

47 DATE: _____
48

49 APPROVED AS TO FORM
50 AND LEGAL SUFFICIENCY

County Attorney

APPENDIX 9
4000.8
CASH BOND

KNOW ALL MEN BY THESE PRESENTS:

That (I) (we), [developer], hereinafter called the PRINCIPAL, tenders unto Palm Beach County, a political subdivision of the State of Florida, hereinafter called the COUNTY, the full and just sum of _ Dollars (\$), lawful money of the United States of America, to which payment well and truly made binds ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, the above bounded PRINCIPAL, as a condition precedent to the approval of the COUNTY of a certain subdivision known as , has entered into Contract No. to construct Required Improvements prescribed by said Contract and the Subdivision and Platting Required Improvements Regulations of Palm Beach County, Florida, pertaining to said subdivision, a copy of which contract is attached hereto and by reference made a part hereof; and

WHEREAS, it was one of the conditions of said contract that this bond be executed.

NOW, THEREFORE, the conditions of this obligation are such that if the above bounden PRINCIPAL shall in all respects comply with the terms and conditions of said contract, within the time specified, and shall in every respect fulfill (its) (his) (their) obligation thereunder and under the plans therein referred to, then this obligation to be and remain in full force and virtue.

The PRINCIPAL unconditionally covenants and agrees that upon failure to perform all or any part of (its) (his) (their) obligation established by said Contract, within the time specified, the COUNTY upon thirty (30) days written notice to the PRINCIPAL, or its authorized agent or officer, at its option shall have the right to complete the PRINCIPAL'S obligation or, pursuant to public advertisement and receipt of bids, cause to be completed the aforesaid improvements in the case the PRINCIPAL should fail to or refuse to do so in accordance with the terms of said Contract. In the event the COUNTY should exercise and give effect to such right, the PRINCIPAL shall be liable and the monies tendered hereby shall be used to reimburse the COUNTY the total cost thereof, including, but not limited to, engineering, legal and contingent costs, together with any damages either direct or consequential, which may be sustained on account of the failure of the PRINCIPAL to carry out and execute all the terms and provisions of said contract.

1 IN WITNESS WHEREOF, the PRINCIPAL has executed these presents this _____
2 day of _____, 19 ____.

3
4 (CORPORATE SIGNATURE BLOCK) PRINCIPAL:

5 _____
6 a corporation of the State of _____.

7 ATTEST:

8 By: (Signature of president or vice president)
9 (typed name and title)

10 (Signature of other corp. officer)
11 (typed name and title)

12
13
14
15 ADDRESS: _____
16 _____

(Impressionable
corporate seal)

17
18
19 (INDIVIDUAL SIGNATURE BLOCK)

20 PRINCIPAL:

21
22
23 WITNESSES:

24 _____

25 _____
26 (typed name)

27
28 ADDRESS: _____

29 _____
30
31
32

APPENDIX 10
4000.9
PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, hereinafter called Principal, and _____, a surety company authorized to do business in the State of Florida, hereinafter referred to as Surety, are held and firmly bound unto PALM BEACH COUNTY, a political subdivision of the State of Florida, in the full and just sum of _____ Dollars (\$_____) lawful money of the United States of America, to be paid to the Board of County Commissioners of Palm Beach County, to which payment will and truly to be made we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, THE ABOVE BOUNDED Principal, as a condition precedent to the approval by Palm Beach County of a plat of a certain subdivision known as _____ has entered into Contract Number _____ with Palm Beach County to construct Required Improvements prescribed by the Contract and the Subdivision and Platting Required Improvements Regulations of Palm Beach County, Florida, pertaining to said subdivision, a copy of which Contract is attached hereto and by reference made a part hereof, and

WHEREAS, it was one of the conditions of said contract that this bond be executed:

NOW, THEREFORE, the conditions of this obligation are such that if the above bounded Principal shall in all respects comply with the terms and conditions of said Contract, within the time therein specified, and shall in every respect fulfill (its) (his) (their) obligations thereunder and under the plans therein referred to and made a part thereof, and shall indemnify and save harmless Palm Beach County against or from all claims, costs, expenses, damages, injury or loss, including engineering, legal and contingent costs to carry out and execute all the provisions of said agreement, within the time therein specified, then this obligation to be void; otherwise to be and remain in full force and virtue.

THE SURETY UNCONDITIONALLY COVENANTS AND AGREES that if the Principal fails to perform all or any part of the construction work required by said Contract, within the time specified, the Surety, upon thirty (30) days written notice from Palm Beach County, or its authorized agent or officer, of the default, will forthwith perform and complete the aforesaid construction work and pay the cost thereof, including, but not limited to, engineering, legal and contingent costs. Should the Surety fail or refuse to perform and complete the said improvements, Palm Beach County, in view of the public interest, health, safety and welfare factors involved and the inducement in approving and filing the said plat, shall have the right to resort to any and all legal remedies against the Principal and Surety, or either, both at law and in equity including specifically specific performance, to which the Principal and Surety unconditionally agree.

THE PRINCIPAL AND SURETY FURTHER JOINTLY AND SEVERALLY AGREE that Palm Beach County, at its option, shall have the right to construct or pursuant to public advertisement and receipt of bids, cause to be constructed the aforesaid

1 improvements in case the Principal should fail or refuse to do so in accordance
2 with the terms of said contract and in the event Palm Beach County should exercise
3 and give effect to such right, the Principal and Surety shall be jointly and
4 severally liable hereunder to reimburse Palm Beach County the total cost thereof,
5 including, but not limited to, engineering, legal and contingent costs, together
6 with any damages, either direct or consequential, which may be sustained on
7 account of the failure of the Principal to carry out and execute all the
8 provisions of said Contract.

9
10 IN WITNESS WHEREOF, the Principal and Surety have executed these presents this
11 _____ day of _____, 19 ____.

12
13 (CORPORATE SIGNATURE BLOCK)

14
15
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17
18 ATTEST:

_____, a
corporation of the State of _____,
PRINCIPAL.

19 By: (Signature of president or vice president)

20
21 By: (Signature of other corporate officer:

22
23 ADDRESS: _____
24 _____
25 _____
26 _____

(Impressionable
corporate seal)

27
28 (INDIVIDUAL SIGNATURE BLOCK)

(typed name) PRINCIPAL

29
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31 WITNESSES:

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34 ADDRESS: _____
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(SURETY SIGNATURE BLOCK)

ADDRESS;

_____, SURETY

By: _____
(typed name) its attorney-in-fact,
(power of attorney must be attached)

ATTEST: _____

APPENDIX 11
4000.10
CLEAN IRREVOCABLE LETTER OF CREDIT

Board of County Commissioners
Palm Beach County, Florida
West Palm Beach, Florida

RE: Our Letter of Credit No. _____ -
Agreement for Contract for Construction
of Required Improvements No. _____ -
(name of plat) _____

Gentlemen:

By order of _____, we hereby open our
Clean Irrevocable Credit No. _____ in your favor for the amount of U.S.
_____ DOLLARS (\$ _____), effective as of _____
and expiring at our office at the close of business on _____.

We are informed that _____ (name and address) _____, has entered into a written
contract with Palm Beach County, Number _____, to develop a
subdivision to be known as _____, and to construct
and install the required improvements as shown on construction plans for said
subdivision identified as follows:

- a. Paving, Grading and Drainage Plans - (number) - _____ sheets, dated
_____, 19____.
- b. Bridge Plans - (number) - _____ sheets, dated _____, 19____.
- c. Water System Plans - (number) - _____ sheets, dated _____, 19____.
- d. Sewerage System Plans - (number) - _____ sheets, dated _____,
19____.
- e. Landscaping, Parks, Recreational Area and Parking Plans - (number) -
_____ sheets, dated _____, 19____.

We further are informed that the forementioned Contract for Construction of
Required Improvements to _____ was entered into as a condition precedent
to the approval by Palm Beach County of a subdivision plat known as _____,
and that the County Engineer has approved an estimated cost
schedule for all the Required Improvements under the contract in the amount of
_____ Dollars (\$ _____).

Funds under this Credit are available to you hereunder not exceeding in aggregate
the amount of this Credit against your sight draft on us mentioning our Credit No.
_____ accompanied by a statement, purporting to be signed by the county Engineer
of Palm Beach County, Florida, to the effect that (a) it is a certification by
said Engineer relating to construction of _____ and other improvements
mentioned above; (b) _____ has defaulted under the terms of the aforementioned
Contract for Construction of Required Improvements, Numbered _____; (c) for
your obligation to complete the work called for under the terms of the afore-
mentioned Contract; (d) Palm Beach County's obligation shall include but not be
limited to engineering, legal and contingent costs and expenses, together with

1 any damages, either direct or consequential, which Palm Beach County may sustain
2 on account of failure of _____ to carry out and execute all
3 the provision of the contract; and (e) you will promptly refund to us any portion
4 of such funds drawn and not expended in completion of work called for.

5
6 This Letter of Credit sets forth in full the terms of our undertaking and such
7 undertaking shall not in any way be modified, amended, or amplified by reference
8 to any document, instrument or contract referred to herein or in which this Letter
9 of Credit is referred to or to which this Letter of Credit relates and any such
10 reference shall not be deemed to incorporate herein by reference any document,
11 instrument or contract.

12
13 If we receive your sight draft and statement as mentioned above here at (address
14 with city), on or prior to the expiration date we will promptly honor the same.

15
16 Kindly address all correspondence regarding this Letter of Credit to me attention
17 of Letter of Credit Department mentioning specifically our Credit Number.

18
19 Very truly yours,

20
21 _____
22 (typed bank's name)

23
24 _____
25 (typed name and position)
26

APPENDIX 13
4000.12
AGREEMENT OF REQUIRED IMPROVEMENTS

The Party of the First Part, _____, hereinafter referred to as the DEVELOPER, hereby agrees and contracts with the Party of the Second Part, Palm Beach County, Florida, hereinafter referred to as COUNTY, that as consideration for the platting of _____ (plat name), and subdividing of land pursuant to the Subdivision and Platting Required Improvements Regulations of Palm Beach County that the Required Improvements as defined in said regulations have been constructed pursuant to the specifications of those regulations. Further, should the Required Improvements fail or otherwise become defective during a period of one year from the date of acceptance of said Required Improvements, due to defective materials or workmanship, DEVELOPER shall, upon each occasion, be responsible in all respects for such failure or defect. DEVELOPER shall immediately, upon thirty (30) days written notice by the COUNTY, correct such failure or defect at the DEVELOPER'S sole cost and expense and bring them into compliance with the requirements of the above-referenced Subdivision and Platting Required Improvements Regulations of Palm Beach County, Florida.

In the event DEVELOPER fails to begin repair of the defective required Improvements within the thirty (30) days as specified above, the COUNTY shall have the right to make such needed repairs and DEVELOPER shall be liable for the actual cost expended by the COUNTY for such repairs and any costs incident to the collection of such sums, including but not limited to reasonable attorney's fees and cost of litigation.

IN WITNESS WHEREOF, DEVELOPER has hereunto set (its) (his) hand and seal this _____ day of _____, 19 ____.

(CORPORATE SIGNATURE BLOCK)

_____, a
corporation of the State of _____,
DEVELOPER.

ATTEST:

By: (Signature of president or vice president
(Typed name and title

By: (Signature of other corporate officer:
(Typed name and title)

Acknowledgement ~~(See Appendix 7)~~

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(INDIVIDUAL SIGNATURE BLOCK)

(typed name) DEVELOPER

WITNESSES:

Acknowledgement ~~(See Appendix 7)~~

APPENDIX-14

4000.13

CONTRACT FOR CONSTRUCTION OF REQUIRED
IMPROVEMENTS PRIOR TO PLAT RECORDATION

THIS CONTRACT, Number _____, by and between:

_____, a
corporation of the State of _____,

-OR-

_____, an
individual.

hereinafter referred to as DEVELOPER

and

PALM BEACH COUNTY, a political subdivision of the
State of Florida, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, the Subdivision and Platting Required Improvements Regulations of Palm Beach County, Florida, Ordinance No. 73-4, as amended, establishes procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof; requiring the installation of certain improvements and providing penalties for violations, among other things; and

WHEREAS, a final plat of a subdivision within the unincorporated area of Palm Beach County shall not be recorded until the developer has installed the Required Improvements; and

WHEREAS, DEVELOPER is commencing proceedings to effect a subdivision of land in Palm Beach County; and

WHEREAS, DEVELOPER requests the approval of construction plans prior to the recordation of a proposed subdivision in Palm Beach County, Florida, to known as _____; and

WHEREAS, the COUNTY shall expend funds in the inspection of construction of required improvements:

NOW, THEREFORE, in consideration of the intent and desire of DEVELOPER to gain COUNTY approval of construction plans, viz-a-viz a Land Development Permit, and to assure that construction complies with the approved plans, DEVELOPER and COUNTY agree as follows:

1. DEVELOPER agrees to complete within twenty-one (21) months from and after the date of issuance of the Land Development Permit the Required Improvements for the subdivision to be known as _____, according to the construction plans approved by the County Engineer, identified as _____ for the proposed plat identified _____

1 as _____ both said plat and plans are
2 on file in the Office of the County Engineer and are made a part of this contract
3 by reference.
4

5 2. In order to pay for required inspections, the DEVELOPER agrees to
6 pay to the COUNTY one and one-half percent (1.5%) of the estimated cost of all
7 Required Improvements except construction of sidewalks, water systems and sewer
8 systems as determined by a certified cost estimate prepared by a Professional
9 Engineer registered in Florida, and approved by and filed in the Office of the
10 County Engineer, and made a part of this contract by reference.
11

12 3. DEVELOPER understands and agrees that should he for any reason fail or
13 neglect to fulfill all obligations under this contract, and if the Board of County
14 Commissioners denies extension of this contract, the COUNTY shall be under no
15 obligation to approve recordation of DEVELOPER'S final plat, and shall not in any
16 way be liable for damages suffered by DEVELOPER due to the COUNTY'S refusal to
17 approve recordation of said plat; provided, however, that the COUNTY may allow
18 recordation of said plat if adequate surety is furnished by DEVELOPER pursuant
19 to the contract required in Appendix 9 of the requirements Palm Beach County
20 Subdivision and Platting Required Improvements Regulations, Ordinance No. 73-4,
21 as amended.
22

23 4. COUNTY agrees to record said plat of DEVELOPER upon the completion of
24 all improvements required by this contract. DEVELOPER further understands and
25 agrees that should he for any reason fail or neglect to fulfill all obligations
26 under this contract and if the Board of County Commissioners denies the extension
27 of this contract, the Land Development Permit shall become null and void, and in
28 order to secure a subsequent Land development Permit, those platting and
29 subdivision regulations in effect at the time of subsequent application shall
30 govern.
31

32 5. DEVELOPER understands and agrees that extensions of this contract ~~will~~
33 may be granted for ~~twelve (12) months~~ after receipt of written request for
34 extension and if approved by the Board of County Commissioners. The written
35 request shall be accompanied by a cost estimate of all Required Improvements which
36 have not been completed except sidewalk construction, water systems and sewer
37 systems. The cost estimate shall be prepared and certified by a Professional
38 Engineer registered in the State of Florida.
39

40 6. DEVELOPER further understands and agrees that the County Engineer may
41 reinspect and may require the reconstruction of any Required Improvements.
42

43 7. DEVELOPER understands and agrees that it has entered into this contract
44 as an independent contractor in its own right and for its own benefit and not as
45 an agent or employee of the County; and further, DEVELOPER undertakes and assumes
46 all potential liabilities resulting from the negligent or wrongful acts or its
47 officers, employees or agents or for any cause whatsoever in connection with the
48 performance of this agreement and does expressly agree to indemnify and hold
49 harmless the COUNTY from any and all liability associated therewith.
50

51 IN WITNESS WHEREOF, the parties hereto have executed these presents:
52

53 (CORPORATE SIGNATURE BLOCK)
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PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

ATTEST: By: _____
Chairman

JOHN B. DUNKLE, Clerk

By: _____ DATE: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

County Attorney

DEVELOPER'S ADDRESS:

APPENDIX-15A

APPLICATION FOR A SPECIAL EXCEPTION SUBDIVISION

STATE OF _____

COUNTY OF _____

_____, being first duly sworn, deposes and says that _____ he is the (owner) (authorized agent for _____, the owner, pursuant to the power of attorney attached hereto and made a part hereof), and does hereby make this sworn application for a Special Exception subdivision under the provisions of the Palm Beach County Subdivision and Platting Regulations, Ordinance 73-4 as amended, and in support thereof, states that:

1. I/we are the owner(s)/agent(s) for owner(s) of the following described real property by virtue of the deed attached hereto and by reference made a part hereof:

(LEGAL DESCRIPTION OF PROPERTY)

2. This is an application for a Special Exception subdivision on the above described property to subdivide same for (circle one):

- a. Rural Lot Special Exception; or
- b. General Special Exception combination/recombination of lots; or
- c. General Special Exception lots abutting public streets; or
- d. Unrecorded Subdivision Special Exception; as same is defined in Article VI, Part A, of the Subdivision and Platting Regulations.

3. The subdivision will be in accordance with the plan drawn on _____, by _____, attached hereto and by reference made a part hereof.

4. The information, statements and drawings required by Article VI, Part A, and Article VIII, Section III.B., Subdivision and Platting Regulations Ordinance No. 73-4 as amended, attached hereto and by reference made a part hereof, are true and correct.

5. I/we will furnish the Subdivision Committee with any and all additional information requested by it in its consideration of this application.

6. I/We will comply with any and all conditions which may be placed on the development of the Special Exception Subdivision if same should be approved and so conditioned by the Subdivision Committee.

7. The filing fee required by Article VIII, Section III.B.3 is herewith submitted.

Sworn to and subscribed before me this _____ day of _____, 19____.

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Notary Public

WITNESSETH:

APPENDIX-15B
4000.14
AFFIDAVIT OF WAIVER EXEMPTION

STATE OF _____

COUNTY OF _____

WHEREAS, _____, owner, made an application for a ~~Special Exception subdivision for a rural lot/general/unrecorded subdivision~~ Special Exception plat waiver to the Subdivision Committee pursuant to Article VI, Part A, Section 1008.1 of the Subdivision and Platting Required Improvements Regulations of Palm Beach County, Ordinance 73-4, as amended; and

WHEREAS, on _____, the Subdivision Committee of Palm Beach County, considered said application for a ~~Special Exception subdivision~~ for a subdivision of the property described in Exhibit A attached hereto and made a part hereof, all lying and being in Palm Beach County; and

WHEREAS, after due consideration of the facts and evidence presented, the Subdivision Committee granted said application for the subdivision of the above-described property as a ~~rural lot/general/unrecorded subdivision Special Exception as defined in Article VI, Part A, Section I of the Palm Beach County Subdivision and Platting Regulations, Ordinance No. 73-4 as amended; and~~

WHEREAS, the approval of the application was subject to the conditions set forth herein; and

WHEREAS, this Affidavit of Waiver Exemption is made to evidence the action of the Subdivision Review Committee;

NOW, THEREFORE, BE IT KNOWN that the property described herein is hereby exempt from the provisions of the Palm Beach County Subdivision and Platting Required Improvements Regulations, Ordinance No. 73-4 as amended, subject to the following terms and conditions:

1. The property shall be subdivided and developed as a ~~Special Exception subdivision as a rural lot/general/unrecorded subdivision Special Exception, as defined in Article VI, Part A, Section I of the Palm Beach County Subdivision and Platting Regulations.~~

2. ~~That such subdivision shall be~~ in accordance with the map, plat, survey or drawing attached hereto and made a part hereof as Exhibit A and that any deviation from or modification to said Exhibit shall have the effect of nullifying and voiding this approval, unless such deviation or modification is approved by the Subdivision Committee.

32. That such subdivision shall be subject to the following conditions and restrictions:

43. That this Affidavit of Waiver Exemption shall remain in full force and effect so long as the terms and conditions hereof are adhered to, and the owner

1 does hereby agree to these terms and conditions and evidences such agreement by
2 _____ signature on this affidavit.
3

4 DATED: _____, 19 ____, at West Palm Beach, Florida.
5

6 _____ (Typed name/s)
7 Applicant/Owner
8

9
10 PALM BEACH COUNTY'S SUBDIVISION
11 REVIEW COMMITTEE BY ITS CHAIRMAN.
12

13 _____
14 (typed name)
15

16 NOTE: 2 witnesses needed for each signature; notarization required.
17
18
19
20

APPENDIX 16
4000.15
ESCROW AGREEMENT

THIS ESCROW AGREEMENT, entered into this ____ day of _____, _____,
by and between (name of developer as appears on contract) hereinafter referred
to as the DEVELOPER, and (bank's name), of (city and state), hereinafter referred
to as "ASSOCIATION".

WITNESSETH

WHEREAS, DEVELOPER is owner of that real property located in Palm Beach
County, Florida, described as:
(legal description)
which the DEVELOPER proposes to plat under the name of (name of plat as it appears
on contract) and

WHEREAS, certain development work is required to be done on said real
property in accordance with the plans and specifications prepared by _____,
together with an amendments or modifications thereto and
together with any other approved drawings and/or plans therefore or approved
amendments to same; and

WHEREAS, in order to satisfy the requirements of the Palm Beach County
Subdivision and Required Improvements Regulations, Ordinance No. 73-4, as amended,
as to the securing of said development work before Palm Beach County will approve
the recording the said plat of _____, the
DEVELOPER has deposited with the ASSOCIATION the sum of _____ DOLLARS
(\$_____), representing one hundred and ten percent (110%) of the total cost
of the said development improvements which escrow funds are to be released to the
DEVELOPER for payment of said development expenses and pursuant to the terms
hereof;

NOW, THEREFORE, in consideration of the covenants and agreements contained
herein, the parties hereto agree as follows:

1. The deposited funds shall be released to the DEVELOPER upon written
approval of Palm Beach County (hereinafter referred to as COUNTY) which shall
approve the release of the funds on deposit not more than once a month to the
DEVELOPER on the recommendation of the County Engineer, in amounts due for work
done to date, based on the percentage completion of the work multiplied by the
respective work costs, less ten percent (10%) and, further, that upon completion
of the work, the COUNTY shall approve the release to the DEVELOPER, on the
recommendation of the County Engineer, of any remainder to the DEVELOPER. In the
event, however, the DEVELOPER shall fail to comply with the requirements of the
Contract for Construction of Required Improvements between DEVELOPER and COUNTY,
No. _____, then the ASSOCIATION agrees to pay to the COUNTY, immediately upon
demand, the balance of the funds held in escrow by the ASSOCIATION, as of the date
of the demand, provided that upon payment of such balance to the COUNTY, the
COUNTY will have executed and delivered to the ASSOCIATION in exchange for such
funds a statement to be signed by the County Engineer of Palm Beach County to the
effect that: (a) DEVELOPER has failed to comply with the requirements of the
Contract for Construction of Required Improvements above mentioned; (b) the
COUNTY, or its authorized agent, will complete the work called for under the terms

1 of the above-mentioned contract to the extent of the funds then held in escrow;
2 (c) the escrow funds drawn down by COUNTY shall be used for, but not limited to,
3 engineering, legal and contingent costs and expenses, also to offset any damages,
4 either direct or consequential, which the COUNTY may sustain on account of the
5 failure of DEVELOPER to carry out and execute the above-described development
6 work; and (d) the COUNTY will promptly repay to the ASSOCIATION any portion of
7 the funds drawn down and not expended in completion of the said development work.
8

9 2. It is agreed that written notice to the ASSOCIATION by the COUNTY,
10 specifying what amounts are to be paid to the DEVELOPER shall constitute
11 authorization by the COUNTY to the ASSOCIATION for release of the specified funds
12 to the DEVELOPER. Payment by the ASSOCIATION to the DEVELOPER of the amounts
13 specified in a letter of authorization by the COUNTY to the ASSOCIATION shall
14 constitute a release of the ASSOCIATION for the funds disbursed in accordance
15 with the letter of authorization from the COUNTY.
16

17 3. It is further agreed that should the funds held in escrow be insufficient
18 to complete the required improvements that the COUNTY, after duly considering the
19 public's interest, health, safety and welfare, may at its option complete the
20 required improvements and resort to any and all legal remedies against the
21 DEVELOPER.
22

23 4. Nothing in this agreement shall make the ASSOCIATION liable for any funds
24 other than those placed on deposit by the DEVELOPER in accordance with the
25 foregoing provisions; provided that the ASSOCIATION does not release any monies
26 to the DEVELOPER except as stated in this Escrow Agreement.
27

28 5. By execution of this Agreement the ASSOCIATION acknowledges receipt from
29 the DEVELOPER for deposit in escrow in accordance with the terms and conditions
30 of this Agreement for the sum of _____ DOLLARS
31 (\$_____).
32

33 IN WITNESS WHEREOF, the parties hereto have set their hands and seals this
34 ____ day of _____, 19____.
35

36
37 (CORPORATE SIGNATURE BLOCK)
38

39 _____
40 a corporation of the State of _____.
41

42 By: _____
43 (typed name and title)
44

45 _____
46 (typed name and title)
47

[Impressionable Corporate Seal]
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49
50
51 (INDIVIDUAL SIGNATURE BLOCK)
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53 WITNESSES:
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(typed name)

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10 (ASSOCIATION SIGNATURE BLOCK)

_____, of _____

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15 ATTEST:

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17 By: _____
18 (typed name and title)
19

20
21
22 (typed name and title)

[Impressionable Corporate Seal]

23
24 STATE OF FLORIDA
25 COUNTY OF PALM BEACH
26

27
28 BEFORE ME, a notary duly authorized in the State and County named above, to
29 take acknowledgments, personally appeared _____ and _____, who
30 acknowledged themselves to be the _____ and
31 _____, respectively, of _____ of -
32 _____, and as such officers being authorized to execute the
33 above Escrow Agreement for the purposes therein contained.
34

35 WITNESS my hand and seal this _____ day of _____, 19 _____, in the County
36 and State aforesaid.
37

38
39 _____
40 Notary Public

41 My Commission Expires:

42 (Impressionable seal)
43
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46

- 1 PART XLII: SEVERABILITY. If any section, part of a section, paragraph, sentence,
2 clause, phrase or word of this ordinance is for any reason held or
3 declared to be unconstitutional, inoperative or void, such holdings
4 of invalidity shall not affect the remaining portions of this
5 ordinance and it shall be construed to have been the legislative
6 intent to pass this ordinance without such unconstitutional, invalid
7 or inoperative part therein, and the remainder of this ordinance
8 after the exclusion of such part or parts shall be deemed to be held
9 valid as if such part or parts had not been included therein, or if
10 this ordinance or any of the provisions thereof shall be held
11 inapplicable to any person, group of persons, property, kind of
12 property, circumstances or set of circumstances, such holdings shall
13 not affect the applicability thereof to any person, property or cir-
14 cumstances.
- 15 PART XLIII: EFFECTIVE DATE. This ordinance shall become effective the first day
16 of February, 1990.
- 17
18 PART XLIV: INCLUSION IN CODE. It is the intent of the Board and is hereby
19 ordained, that the provisions of this ordinance shall become and be
20 made a part of the Code of Laws and Ordinances of Palm Beach County,
21 Florida; that the sections of this ordinance may be renumbered or
22 relettered to accomplish such intentions; and the word "ordinance"
23 may be changed to "section," "article," or other appropriate word.
- 24
25 PART XLV: CONFLICTING REGULATIONS REPEALED. All special laws applying to and
26 within the County, general laws applying only to Palm Beach County,
27 and general law which the Board of County Commissioners is
28 specifically authorized by Article VIII of the 1968 Florida Constitu-
29 tion to supercede, nullify or amend, and any local ordinance and
30 resolution in conflict with any provision of this ordinance are hereby
31 repealed.
- 32
33 PART XLVI: LIBERAL CONSTRUCTION, SEVERABILITY, AND PENALTY PROVISION. The
34 provisions of this Ordinance shall be liberally construed to
35 effectively carry out its purpose in the interest of the public
36 health, safety, welfare and convenience.
- 37
38 PART XLVII: PENALTY FOR VIOLATION. A violation of this Ordinance shall be a
39 misdemeanor punishable according to law; however, in addition to or
40 in lieu of any criminal prosecution, Palm Beach County shall have the
41 power to sue in civil court to enforce the provisions of this
42 Ordinance.
- 43
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PASSED AND DULY ADOPTED this 30th day of January, 1990.

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

Attest:

Willa Stewart
Clerk

By: *Carl E. Elmer*
Chairman

BOARD OF
COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

Approved as to form and legal sufficiency:

Barbara Altman
County Attorney

Acknowledgement by the Department of State of the State of
Florida, on this, the 2nd day of February, 1990.

Acknowledgement from the Department of State
received on the 5th day of February, 1990, at 10:36
A.M., and filed in the Office of the Clerk of the Board of County
Commissioners of Palm Beach County, Florida.